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LOK SABHA

The following report of the Joint Committee on the Bill to provide for the reorganisation of the States of India and for matters connected therewith, was presented to Lok Sabha on the 16th July, 1956:—

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri U. Srinivasa Malliah
3. Shri H. V. Pataskar
4. Shri A. M. Thomas
5. Shri R. Venkataraman
6. Shri S. R. Rane
7. Shri B. G. Mehta
8. Shri Basanta Kumar Das
9. Dr. Ram Subhag Singh
10. Pandit Algu Rai Shastri
11. Shri Dev Kanta Borooah
12. Shri S. Nijalingappa
13. Shri S. K. Patil
14. Shri Shriman Narayan
15. Shri G. S. Altekar
16. Shri G. B. Khedkar
17. Shri Radha Charan Sharma
18. Shri Gurmukh Singh Musafir
19. Shri Ram Pratap Garg

20. Shri Bhawanji A. Khimji
21. Shri P. Ramaswamy
22. Shri B. N. Datar
23. Shri Anandchand
24. Shri Frank Anthony
25. Shri P. T. Punnoose
26. Shri K. K. Basu
27. Shri J. B. Kripalani
28. Shri Asoka Mehta
29. Shri Sarangadhar Das
30. Shri N. C. Chatterjee
31. Shri Jaipal Singh
32. Dr. Lanka Sundaram
33. Shri Tek Chand
34. Dr. N. M. Jaisoorya
35. Shrimati Tarkeshwari Sinha.

Rajya Sabha

36. Shri Chandulal P. Parikh
37. Shri Biswanath Das
38. Shri K. Madhava Menon
39. Capt. Awadhesh Pratap Singh
40. Dr. Anup Singh.
41. Shri A. Satyanarayana Raju
42. Shri M. D. Tumpalliwar
43. Shri K. S. Hegde.
44. Shri Tarkeshwar Pande
45. Shri T. R. Deogirikar
46. Dr. P. Subbarayan
47. Shri J. V. K. Vallabharao
48. Shri V. K. Dhage.
49. Shri Kishen Chand
50. Shri Surendra Mahanty
51. Kakasaheb Kalelkar.

DRAFTSMEN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*
Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*
Shri P. K. Patnaik, *Under Secretary.*

18. *Clause* 18 (*Original clause* 16).—Apart from certain minor amendments, provision has been made in this clause for representation in the Zonal Council of a State in which the Council of Ministers may not be functioning at any time.

19. *Clause* 23 (*Original clause* 21).—The Committee have made certain drafting changes in this clause to make the intention clear.

20. *New clause* 24.—The Committee consider that it would be useful to have an enabling provision for a joint meeting of two or more Zonal Councils for the discussion of matters of common interest between the States included in different zones. This clause has accordingly been inserted.

21. *New clause* 25.—In conformity with article 4, this clause has been added amending the Fourth Schedule of the Constitution. The allocation of seats to the new and reorganised States in the Council of States has been made in the amended Table. In the case of Part A States the number of seats has been determined on the basis of the 1951 Census figures using the same general formula as was adopted in the Constitution. In regard to Part C States, however, the Committee consider that representation on the scale of one seat for every million would be somewhat inadequate in view of the change in their constitutional structure, as also in view of the fact that Parliament will be the legislature for these areas. The Committee have, therefore, proposed the following allocation:—

Bombay	5
Delhi	3
Himachal Pradesh	2
Manipur	1
Tripura	1

22. *Clause* 26 (*Original clause* 22).— The Committee feel that in allocating certain sitting members of existing States to the new or reorganised States, regard should be had to the place where they are actually enrolled as electors. On this principle the Committee have made a few changes in the allocation of the sitting members of Madras and Travancore-Cochin. A few other formal changes have also been made in the clause.

23. *Clause* 30 (*Original clause* 26).—The Committee have amended sub-clause (1) and added a new sub-clause (2) in view of the dissolution of the Travancore-Cochin Legislative Assembly by the President's Proclamation. Sub-clause (4) has been amended increasing the representation of Kutch in the Provisional Legislative Assembly of Gujarat from 5 to 8 on the same population basis as for Saurashtra.

24. *Clause* 32 (*Original clause* 28).—The Committee consider that some special provision regarding the duration of the legislative assembly of the enlarged State of Andhra will be necessary, having regard to the fact that about one-third of the House will be newly elected at the forthcoming general elections. It would be appropriate if, in the peculiar circumstances of the case, the life of this Assembly were extended till the expiry of five years after the re-election of the Telengana members. This would make it possible for future general elections in Andhra Pradesh to be held simultaneously for the Lok Sabha and the Legislative Assembly. A provision for this purpose should, in the Committee's opinion, be made in the Constitution (Ninth Amendment) Bill.

25. *Clause* 33 (*Original clause* 29).—The Committee consider that when provisional Legislative Assemblies of the new States are constituted, they should be enabled to elect their own Speakers and Deputy Speakers. They also consider that the same principle should be made applicable to the State of Andhra Pradesh.

The clause has been redrafted accordingly.

26. *Clause* 35 (*Original clause* 31).—The Committee considered the question whether Legislative Councils should be provided in the States of Andhra Pradesh, Madhya Pradesh and Maharashtra.

As regards Andhra Pradesh and Madhya Pradesh, the Committee consider that, since there is no Legislative Council in any part of the territories of these two States, it would be preferable to leave it to these States to take the necessary steps under the Constitution after they come into existence.

As regards Maharashtra, however, the Committee consider that since the State of Bombay has a Legislative Council and the Maharashtra State is the principal successor State to the State of Bombay, provision should be made in this Bill for establishing a Legislative Council from a future date to be specified by the President.

The Committee have accordingly amended the clause so as to make it applicable to Maharashtra. It is proposed that the Council of that State should have 70 members.

27. *Clauses* 37 *and* 38 (*Original clauses* 33 *and* 34).—Under article 171 of the Constitution as it stands, the total number of members in the Legislative Council of a State cannot exceed one-fourth of the total number of members in the Legislative Assembly of that State. In view of this provision, the Committee have reduced the total number of members in the Legislative Councils of Mysore and Punjab.

28. *Clause* 39 (*Original clause* 35).—As in the case of the Legislative Assemblies the Committee have altered this clause enabling the Legislative Councils of the new States of Mysore and Punjab to elect their Chairmen and Deputy Chairmen.

29. *Clause* 46 (*Original clause* 42).—Under the existing provision only those persons who were associate members of the former Commission may be associated with the proposed Delimitation Commission. The Committee consider that such a rigid provision may create difficulties. The Committee have, therefore, redrafted the clause making it more flexible.

30. *New clause* 49.—On account of the reorganisation of States and transfer of certain constituencies from one State to another, some persons may not be entitled to stand as candidates in the next general election in the States in which they may wish to stand. The Committee have inserted this new clause to avoid this difficulty.

31. *Clauses* 50 *and* 51 (*Original clauses* 45 *and* 46).—In connection with the reorganisation of High Courts proposed in this Bill, the Committee have considered the connected proposal in the Constitution (Ninth Amendment) Bill for placing the Judges of the High Courts of Kerala, Mysore and Rajasthan on lower salaries than the Judges of other High Courts. The Committee are of the view that it would not be desirable to introduce this distinction when all the States are being placed on the same constitutional level and that the creation of two classes of High Courts in this manner would make it difficult to bring up the level of "B class" High Courts to that of the "A class" High Courts. It will also be difficult to justify any disparity in pay-scales when the area and population of these States are compared with those of some of the other States. The Committee therefore propose that the Judges of all High Courts should receive the same salaries and, in order to facilitate the selection and appointment of Judges in the High Courts which will replace the High Courts of Part B States, the latter should all be abolished. These clauses have been amended accordingly.

The question of extending the jurisdiction of the High Court of Punjab to Himachal Pradesh has also been considered by the Committee. They agree that it would be desirable to leave this question to be examined further by the Government after a detailed inquiry and report by an officer who might be specially appointed for this purpose.

32. *New clause* 52.—The Committee consider that an express provision should be made in this Bill for locating the principal seat of the High Court for a new State as well as the places where it should have permanent benches. Having regard to the fact that

the constitution and organisation of High Courts is a matter in the Union List the Committee have proposed in this clause that the principal seat will be at such place as the President may notify and that he will also decide the location of permanent benches of a High Court after consulting the Governor and the Chief Justice. In view of this provision original Clause 53 has been omitted.

33. *Clause* 66 (*Original clause* 61).—Sub-clause (1) of this clause has been amplified so as to make express provision for the transfer of the Andhra High Court to Hyderabad. This has been agreed to by the Legislative Assemblies of Andhra and Hyderabad, and further an express provision for the transfer will be necessary in supersession of section 28(4) of the Andhra State Act, 1953.

A new provision has been made in this clause to the effect that persons who are now practising in the Hyderabad High Court will be entitled to practise as of right in the High Court of Andhra Pradesh, but that they will have the option to choose within one year from the appointed day to practise either in the High Court of Bombay or in the High Court of Mysore.

34. *Clause* 71 (*Original clause* 66).—The Committee consider that the authorisation of expenditure in respect of the new States by the existing heads of States should be for the rest of the financial year, and that the Governors of the new States should be enabled to authorise during this period such further expenditure as may be necessary. The clause has been amended accordingly.

35. *Clause* 72 (*Original clause* 67).—There is no provision in the existing clause to cover the case of expenditure in the transferred areas on services which may not be provided for in the budgets of the existing States. A new sub-clause has, therefore, been added to this clause.

36. *Clause* 74 (*Original clause* 69).—The Committee are of the view that power should be conferred on the President to vary the allowances and privileges of the Governors of all the States affected by the scheme of reorganisation. The clause has been expanded accordingly.

37. *Clause* 75 (*Original clause* 70).—This clause as it is drafted at present does not provide for the continuance beyond the 31st day of March, 1957, of the guaranteed amounts now payable to the Part B States of Saurashtra, Mysore and Travancore-Cochin under article 278 of the Constitution. It has been represented that considerable hardship is likely to be caused to the successor States to these existing States, if the lump-sum payments are not continued for the period stipulated under the relevant agreements. The Committee

note that in respect of the period commencing on the 1st April, 1957, the payments due to the States under articles 270 and 272 of the Constitution will be determined after taking into consideration the recommendations of the Finance Commission, but they feel that the lump-sum amounts, guaranteed under article 278 if they are higher than the sums which may be found to be due under these two articles of the Constitution, should continue to be paid till the end of March, 1960. A new sub-clause has, therefore, been added to this Clause.

38. The Committee's attention has also been drawn to one or two other financial matters. It has been pointed out that in paragraph 272 of their report the States Reorganisation Commission referred to the need for continued assistance to certain backward areas, and that, in so far as Kutch which is to merge in Gujarat is concerned, some special provision ensuring the continuance of adequate financial help from the Centre may be necessary. The Committee have considered this matter carefully, but feel that the interests of the existing Part C States, which under the scheme of reorganisation will be wholly merged in the new States, will to a large extent be safeguarded by the provisions contained in clause 108(2)(a) of the Bill. Of the three States in regard to which the States Reorganisation Commission had proposed certain special arrangements, only Kutch is being affected by the present scheme of reorganisation. We accordingly recommend that its interests should not be allowed to suffer as a result of its merger in a larger area. The question whether the resources of the new State of Gujarat will be adequate for financing its development plan will no doubt be considered by the Finance Commission. Pending such consideration, the Government of India will presumably provide for the new State of Gujarat such reasonable assistance as may be needed. In these circumstances, no special provision in the Bill appears to be necessary.

39. The question of dividing the revenue surplus likely to accrue to Bombay after reorganisation was also raised. The Committee feel that provision cannot appropriately be made in this Bill in regard to the division of this surplus but presume that the Finance Commission will, in due course, go into this issue separately.

40. *Clause* 77 (*Original clause* 72).—This clause makes no provision in respect of property located outside a State, and in the Committee's opinion the clause also needs to be expanded suitably so as to provide for an equitable distribution of goods between the successor States to the existing States. Sub-clause (1) has been amplified accordingly.

41. *Clause* 83 (*Original clause* 78).—The Committee have added a proviso to the effect that the loans which may be granted by the

Centre for financing the construction or improvement of capitals in the new or reorganised States will be the liabilities of the successor States in which these capitals are located.

42. *Clause* 84 (*Original clause* 79).—The clause has been redrafted to make the intention clear.

43. *Clause* 89 (*Original clause* 84).—The case of a registered co-operative society the operations of which are not confined to the areas of any one of two or more successor States is not covered by the original clause. Provision has, therefore, been made for the guarantee to such a society passing to the principal successor State, subject to the appropriate financial adjustments.

44. *Clause* 102 (*Original clause* 97).—The Committee have recast and modified substantially the provisions relating to State financial corporations. Provision has been made in the clause as revised for the existing financial corporation of Madhya Bharat becoming the corporation for the new State of Madhya Pradesh and for the merger of the Andhra and Hyderabad corporations. As regards the Bombay Financial Corporation, since a major part of the business transacted by this corporation is in the city of Bombay, the Committee are of the view that it should remain the financial corporation for Bombay instead of becoming the financial corporation for Maharashtra. Provision will also have to be made for the Central Government to pay such amounts as may be appropriate to the State of Maharashtra and the other successor States, on account of the shares held by the existing Bombay State in the Corporation. The clause has been revised accordingly.

45. *Clause* 104 (*Original clause* 99).—Apart from a formal amendment in sub-clause (4), the Committee have amended sub-clause (1) in order to provide for the recognition by the Reserve Bank of more than one apex co-operative bank in a State.

46. *New clause* 105.—This clause has been added to provide for certain amendments in the Multi-unit Co-operative Societies Act, 1942, to facilitate the working of the existing apex co-operative banks for some period after the appointed day and for their reorganisation or reconstruction thereafter.

47. *New clause* 110.—The Committee are of opinion that provision on the lines of Clause 103 should also be made in regard to other corporate bodies *e.g.*, housing boards.

48. *New clause* 112.—On account of the reorganisation of States, there may be a nominal change in the employers of persons, working in statutory corporations, commercial undertakings of Government or cooperative societies. But this will not affect the terms

and conditions of service guaranteed to the workmen serving in these bodies etc. In such cases, no question of retrenchment or payment of compensation should arise. In order to clarify this position a new clause has been inserted.

49. *New clause* 113.—This clause provides for the division of the Devaswom Surplus Fund which belongs to the Travancore Devaswom Board, which is a statutory body. It is proposed that a corresponding Fund should be established in Madras and that the Surplus Fund should be divided in the ratio of 37·5 : 13·5, on the basis of an agreement reached between the two State Governments.

50. *Clause* 119 (*Original clause* 110).—Sub-clause (3) has been amended to make it clear that the conditions of service of a member of a Public Service Commission, when he is appointed to the Public Service Commission in another State, will not be varied to his disadvantage.

51. *New clause* 125.—This clause has been inserted in order that a pleader entitled to practise in any subordinate courts in an existing State may be allowed to practise in those courts for a period of six months, although such courts may, on account of the reorganisation of States, be transferred to another State.

52. *New clause* 126 (*Original clause* 116).—This clause has been revised to make the intention clear. Sub-clause (2) has been amended providing for a reference to the High Court as such, instead of to the Chief Justice.

53. *The Third Schedule.*—The Committee consider that the number of seats in the Legislative Assembly of Maharashtra should be raised from 240 to 280. The Committee also consider that the number of seats in the House of the People allotted to Bombay, Delhi and Himachal Pradesh should be raised to 7, 5 and 4 respectively.

54. *The Sixth Schedule.*—The Committee have added certain institutions in this Schedule and the Schedule has been amended accordingly.

55. *The Linguistic Minorities.*—The Committee gave careful thought to the question of providing adequate and effective safeguards in the Bill for linguistic minorities. They wish to record that they attach great importance to this question. A note indicating the action proposed to be taken by the Government of India on the recommendation made by the States Reorganisation Commission on this subject was circulated to the members of the Committee. The Committee generally endorsed the proposals contained in the note and desired that with necessary amplifications in the light of the

discussion in the Committee, the note should be laid on the Table of both the Houses of Parliament.

The Committee considered the suggestion for constituting a statutory board for enforcing the safeguards for linguistic minorities. It was felt that a judicial or a quasi-judicial body of this nature may accentuate friction between the major and minor language groups and may also be regarded as an encroachment on the autonomy of the States. The Committee at the same time felt that some method should be devised so that the minorities concerned may derive full benefit from the proposed safeguards. It was suggested that the Government of India should, apart from utilising the good offices of the Governor in the manner recommended by the States Reorganisation Commission, take up the question of appointing a Special Officer for this purpose.

56. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT,
Chairman,
Joint Committee.

NEW DELHI;
The 15th July 1956.

Minutes of Dissent

I

The Joint Committee tried to improve upon the Bill. There are some important points on which I disagree with the majority decision and hence I am sending this minute of dissent.

Since the publication of the Report of the States Reorganisation Commission good deal of controversy has centred round the formation of Maharashtra State and the future of Bombay, the integration of Andhra and Telangana, the integration of certain contiguous areas into West Bengal and Orissa, and, lastly, the formation of a bigger Punjab State including PEPSU and Himachal Pradesh.

The Bengal-Bihar Territorial Adjustment Bill will deal with one of these issues. With regard to the other important matters the difficult task of redrawing the political map of India has to be accomplished by Parliament, and the Joint Committee was constituted in order to tackle these important issues. In trying to secure the rational formation of State units, it is not realistic to disregard the patent fact that there are in India distinct cultural and linguistic units. The cohesion of India should be realised on the basis of a fundamental unity giving full recognition to the diversity of languages and cultures of the people of India.

There is good deal of force in the observation that the strength of the Indian Union should be the strength which it derives from its constituent units. The strength of the nation is undoubtedly the sum total of the combined strength of the people of the component States.

As elected representatives of the people, we should do our best not to foster the idea of any sub-nations or nationalities and we should resist all forces inimical to the growth of national unity. The unity of India must develop into a dynamic concept based on the recognition of the cardinal feature of our social fabric that a wide variety of cultural life has not hampered the growth of national sentiment, and we should strive to bring about a real synthesis between regional patriotism and Indian nationalism.

Linguistic States are necessary for advance towards social democracy. The States Re-organisation Commission has pointed out that the linguistic redistribution of Provinces has been an integral part of the Indian National Movement. The Congress leaders under Mahatma Gandhi sponsored the linguistic principle for

about four decades and it is impossible for the leaders of India today to try to reverse the gear. The National Movement which achieved India's Independence was built up by harnessing the forces of regionalism. The S. R. C. Report observes that it is this alliance between regional integration and national feeling that helped us to recover our freedom.

Clauses 8 and 9.—Bombay and Maharashtra State.—To make the great City of Bombay a centrally administered area or a Union territory (called Part C State in the Bill) would be positively a retrograde step. Only some distinct categories of areas may with some reason be directly administered by the Central Government itself—(1) an area designated or reserved for the capital of the Federation and (2) territories which are outside the areas of States which may deserve special treatment on account of their geographical location or strategic importance or economic backwardness. The unhappy effect of the central administration of Bombay will be (1) the denial of integration with the contiguous region which is economically and geographically linked to it, and (2) the non-participation of an advanced people in the benefits of a democratic set-up which obtains in a State.

It is claimed by the opponents of Samyukta Maharashtra that Bombay has the proud privilege of being all-India in miniature and it is essentially a cosmopolitan city and it has evolved a pattern of living based on mutual understanding and goodwill.

What is true of Bombay is also true of other cities like Calcutta, Madras, Bangalore, Hyderabad and Delhi. These cities have for decades been the happy meeting grounds of both regional and other cultures. To make Bombay a Union territory due to the pressure of big capital and other powerful interests would be creating a dangerous precedent.

The S. R. C. has referred to apprehensions in certain quarters that the development of Bombay will suffer, if it becomes a part of any unilingual State. This is a dangerous doctrine and pushed to its logical conclusion such demands may be stimulated due to the misgivings in the minds of sections of inhabitants of other industrial or cosmopolitan cities. It will be entirely wrong to detach any such city from its naturally contiguous hinterland because of the possible psychological dissatisfaction of certain business communities. Based on such a theory, Jamshedpur, Bangalore and other growing industrial cities may have to be put under the Central Administration. Safeguards in respect of civic rights and economic interests could be devised to allay the apprehensions of any section of the people. There have been unfortunate disturbances and some utterances made against big capitalists. Every rational citizen would condemn violence and acts of hooliganism.

But for the sins of some persons a community or a nation should not be penalised. In my view, if there were any serious apprehensions of non-Maharashtrian inhabitants, the same could be allayed, and it was not beyond the bounds of constructive statesmanship to devise formulae or safeguards in order to create a sense of security or confidence. It is difficult to accept the pessimistic argument that the integration of Bombay with Maharashtra or the acceptance of Bombay as the capital of Maharashtra will retard the industrial development of this great city or will involve a ban on the future expansion of established industrial undertakings. There are thousands of non-Maharashtrians in the other towns of Maharashtra and they play a very conspicuous part in the business and industrial life of Maharashtra. Very big textile mills and other industrial undertakings are run by non-Maharashtrian business houses in Nagpur, Poona, Sholapur, Jalgaon and other places. Non-Maharashtrians in fact play an important role in the economic and civic life of Maharashtra. Nowhere in any part of Maharashtra has there been any interference with their industrial or business activities and none of them had demanded any safeguard or special provisions. The Prime Minister of India has clearly and categorically stated that Bombay belongs to Maharashtra geographically. The S.R.C. Report states that the Maharashtrians in the City of Bombay according to the 1951 Census constituted over 43% of the population. The next linguistic group consists of only 15% of the population. Having regard to the historical, geographical, linguistic and other considerations and having regard to the fact that the water supply and electricity arrangements and lines of communication run through or are linked with Maharashtra, Bombay should be integrated with Maharashtra.

To reduce Bombay to the position of Manipur or Tripura or the Andamans and Nicobar Islands will be nothing short of a tragedy. The S. R. C. has rightly pointed out that Bombay has been the hub of the political life of a democratically advanced State and the administration of Bombay as a "central enclave" would be regarded as a retrograde step.

Reference may be made to the Prime Minister's announcem on Bombay which indicates that this will not be a perma arrangement, but it will last for five years and thereafter democratically the future of Bombay would be determined. The most important point is that the Bill as amended by the Joint Committee does not indicate any time-limit and there is nothing in the Bill to indicate what will happen to Bombay at the end of five years. It is clear from the Bill as adopted by the Joint Committee that there will be no democratic set up in Bombay which has had the benefit of progressive self-government for decades and is an advanced

cosmopolitan city. The Bill gives no indication as to how the popular will shall be expressed and how the wishes of the people will be democratically ascertained at the end of five years.

We are all anxious to maintain the proud position of Bombay as a great city of all-India importance and to ensure its vital position in the life of the country as an important nerve centre of both finance and industry. Our apprehension is that during these five years the tension will continue and grow and the energies of the people will not be directed to economic development and constructive progress but will be dissipated in controversial propaganda and continued agitation. The S. R. C. had recommended that Hyderabad (Telangana) should continue as a separate State for five years and thereafter it might unite with Andhra after the general elections in or about 1961 if by a majority of 2/3rds the legislature of the Hyderabad State would express itself in favour of such unification. This recommendation of the S. R. C. has been negatived and, in my opinion, it has been a wise and proper decision. The most cogent argument put forward against the S. R. C. recommendation was that it will keep up the tension and the psychological distemper will continue and in the interest of the people of both the States there should be an immediate integration. The same argument should be invoked in favour of integration of Bombay with Maharashtra.

Clause 13.—*The new Punjab State*: With regard to the new Punjab State there are two main objections:

(1) The recommendation of the S. R. C. that PEPSU and Himachal Pradesh should both be merged in Punjab has been negatived and the Bill excludes Himachal Pradesh from the new Punjab State. (2) There is proposal for the formation of Regional Committees with the Governor having the power of final decision in case of difference between the Regional Committees and the State Legislature on certain important matters. This is undemocratic and unconstitutional and it would really mean the partition of Punjab on communal lines. It will also cut at the very basic principle of parliamentary democracy, as the executive is being given the power to veto the Legislature.

The second point will be elaborated in my Minute of Dissent on the Constitution (Ninth Amendment) Bill (Clause 31) which makes special provision for the constitution of Regional Committees with regard to Andhra-Telangana and Punjab and the special powers and responsibilities of the Governor.

With regard to the first point, in my opinion, the majority report of the S. R. C. deserves implementation in full. The Commission

points out that Himachal Pradesh is a relatively backward area. It is a border State with an international boundary which is partially undefined and the Commission definitely gives its verdict against direct administration by the Centre. The Chairman of the Commission put in a dissenting note. We are informed that the Chairman of the Commission had not visited the Himachal Pradesh before the Report was submitted. In my view, the S. R. C. majority report has put forward very cogent reasons in favour of the integration of Himachal Pradesh with Punjab. They have clearly stated the economic and administrative advantages flowing from such integration. They have also referred to the intimate links between the hills and the plains and they observe that the integration of these areas will be to the mutual benefit of both the plains and of the hills.

The dissenting note of the Chairman recommends that Himachal Pradesh should be under the direct control of the Central Government. But it is evident from the reports of the discussions in the Himachal Pradesh Vidhan Sabha that the Members of that Legislature are opposed to the idea of Himachal Pradesh administration being placed under the control of Central Government.

I am very much impressed by one argument in the S. R. C. Report in favour of integration. That reason is India's safety and security. The Indo-China border in this region, as the Commission points out in paragraph 565 of the Report, admits of easy infiltration and the considerations of security require the establishment of a stronger and more resourceful unit than the present Himachal Pradesh. No doubt the primary responsibility for the defence arrangements must be that of the Central Government. Yet the Report rightly observes that a considerable burden relating to security arrangements must be borne by the State. It is in the national interest that the border State should be a well administered, stable and resourceful unit, capable of meeting emergent problems arising out of military exigencies. Therefore, it would be safe to have on our borders relatively larger and resourceful states rather than small and less resilient units.

Boundary Commission.—It is a matter of regret that the claims of Orissa have not been given the consideration they deserved, specially with reference to Seraikella and Kharswan and the Sadar Sub-Division of Singhbum District. There are the claims of West Bengal and Maharashtra over contiguous areas which also require careful consideration. There are other border disputes pertaining to other States which ought to be resolved amicably and justly. There should be some machinery constituted, like a Boundary Commission, as was done in the case of Bellary when the

Andhra State was created. These problems or disputes will continue to be running sores and the sooner they are treated, the better for all parties concerned.

N. C. CHATTERJEE

NEW DELHI;
The 14th July, 1956.

II

Some problems in connection with the reorganisation of States have unfortunately become unnecessarily complicated. So much heat is generated, passions roused and prejudices prevail over the issue of Bombay that they have made it difficult to view the problem in proper perspective. The geographical position of the city is happily no longer a matter of controversy. The city is a part of and surrounded by the territory of Maharashtra like any other island touching the Western Coast. No boundary of any other State lies within a radius of 85 miles from it. The S.R.C. in its report has most unequivocally ruled out the status of an independent State to Bombay. It observes "having regard to the population and the size of the area as well as the fact that it is primarily a city unit, it will not, in our opinion, be entitled to be treated as a full State of the Union" (p. 116). They further add "on the other hand, Greater Bombay has been the hub of the political life of a democratically advanced state and its administration as a central enclave may be regarded as a retrograde step" (p. 116). When the question of independent status or central administration is thus out of consideration and the formation of a bilingual state, as recommended by S.R.C., no longer holds the field, the only alternative that remains now is the merger of Bombay in Maharashtra as said by one of its commissioners Pt. H. N. Kunzru in the debate in Rajya Sabha as also in his recent speech in Poona. Clause 8 of the Bill makes it clear that Bombay needs the areas in the Thana District for its expansion. This does not give the complete picture. Thousands and thousands of Maharashtrians live in Thana, Kalyan, Karjat and other places in between on the Central Railway for want of housing accommodation in Bombay. Every day from early morning they go to Bombay by overcrowding the local trains and come back till late at night. Similar is the situation from Bombay to Palghar on the Western Railway. These and their families are virtually citizens of Bombay. The above towns in Maharashtra have to shelter them for want of living space in Bombay. For the daily needs of water and electricity, Bombay is dependent on Maharashtra. Excellent rice fields and houses of thousands of villagers in Maharashtra have been submerged for the Khopoli hydro-electric project and will be submerged for similar Koyna valley project for the benefit of Bombay. Maharashtra

never grudged in making this sacrifice, but it will be simply unjust and indefensible to tear off Bombay from Maharashtra. Being in the midst of and an undetachable part of Maharashtra, its natural and democratic position is in Maharashtra.

It is contended that Bombay has grown not as a capital of any unilingual state but of a multilingual one. But such is the case of Calcutta and Madras as well. Calcutta grew as the capital of India and was also a seat of Government of the once composite province of both the Bengals, Bihar, Assam and Orissa, and four major languages of India were spoken in that vast region. We need not go into the history of disintegration of that big province, but, it has now come to be a small unilingual Bengali State. However, this has not prevented present Bengal from having Calcutta as its proud capital. Similarly, Madras grew as a capital of a province where Tamil, Telugu and Malayalam territories were included. But after the separation of Andhra and Kerala portions, Madras remains the capital of Tamil Nad. Both Calcutta and Madras are cosmopolitan in character and centres of trade, commerce and industries. But no one proposes to make them centrally administered. Hence when old Bombay State is being split up to help the formation of the new States of Maharashtra, Gujarat and Karnatak, Bombay, like Calcutta and Madras, has to merge in the surrounding territory of Maharashtra and be a capital of it.

The fact that Maharashtrians are not in absolute majority in Bombay has no significance. Marathi speaking population in the city is 43·6% and about 5% Konkani speaking people added to that makes it over 48%. Kannad speaking population in Bangalore is only 24% and is outnumbered by the 32% Tamils. Similarly, Telugus in the city of Hyderabad are outnumbered by 49% Urdu speaking population. Yet no difficulty is felt in making them capitals of Mysore and Andhra Pradesh respectively. None thinks of making these cities centrally administered. True, the people of Bangalore, Hyderabad, Calcutta, Jamshedpur or Madras may have no idea now of making a choice for forming a city state or being centrally administered. But the proposed step in connection with Bombay may in course of time raise such an aspiration in them. Again, cities are usually inhabited by persons of educated communities, are centres of culture, trade, industry and commerce and have different outlook on life from that of those living in the rural areas. A conflict of interests may create a desire in and demand by the cities to be independent units or be centrally administered. But a final decision that the cities will have to merge in the States wherein they are situate will settle the problem once for all. If once it is decided that no question of percentage of persons speaking any language in a city will affect its position in the state where

it lies, not only will this end all controversies but will also set all suspicions at rest and ensure free movements from and in the cities. But if percentage of persons speaking different languages in a city is to affect its status, states will devise methods of increasing the population of their language in their cities and reducing the number of people speaking other languages. All such unhealthy and unfair practices will be put an end to by clearly laying down the principles that the inclusion of a city will be in the territory of that linguistic state which surrounds it.

It is amply clear that the place of Bombay is in the State of Maharashtra. But unfortunately a situation has arisen when the enforcement of the final solution of the problem at this hour may not in the opinion of Government be thought advisable and may create some difficulties. The Prime Minister has made a declaration that Bombay should be centrally administered for about five years and then its future should be determined by a democratic process. As we have discussed above, the merger of Bombay in Maharashtra is just and equitable and also consistent with democratic principles. If felt difficult now, it should be brought about as soon as normalcy is restored and a long period of five years is not necessary for that. Though Bombay now may not be styled as the capital of Maharashtra, all the offices of the Government of Maharashtra should be allowed to remain therein. Otherwise thousands of Maharashtrian families will be uprooted therefrom and when Bombay later becomes the capital of Maharashtra, the returning officers, staff and their families will find no place for residence there. The Prime Minister does not desire that this should happen, and the only way to avoid it is to allow the offices of Maharashtra to remain in Bombay. The Central administration may function during the stage of transition for a shorter period; but the merger of Bombay in Maharashtra should take place by an automatic process. A provision to this effect should be made in clause 8 of the Bill.

This will obviate complicated questions of allotment of projects like the Koyna hydro-electric scheme between Bombay and Maharashtra and the rehauling and re-allocation of projects in the Second Five Year Plan between them. Questions like management and maintenance of a number of schemes by Maharashtra for Bombay and adjustment of rates regarding supply of water and electricity will cease to be of great consideration.

The High Court of Bombay has built great traditions and enjoys an eminent place in the top-ranking High Courts in India. No one would like that any step should be taken which would adversely affect the importance of this High Court. Art. 214 of our Constitution lays down that there shall be a High Court for

each State. When Gujarat and Maharashtra will become separate states each according to the Constitution will have to be provided with a separate High Court. The place of Bombay can by no stretch of imagination be in Gujarat. It is evidently in Maharashtra. Hence the High Court of Bombay will have to be a High Court for Maharashtra and the city of Bombay. It is unthinkable that an independent High Court can be provided for a city and the Constitution also does not contemplate a High Court for an area which is not or cannot be a State. Besides, there will not be sufficient and varied work within the jurisdiction of the centrally administered Bombay area which may justify the provision for a separate High Court. Restricted to the city, the Bombay High Court will be reduced to a secondary position. On the other hand, so much new territory has been added to the Gujarati and Marathi speaking areas of old Bombay State that both Maharashtra and Gujarat have become states of considerable size. If we make provision for a common High Court, as is proposed in the Bill, for both the new states of Gujarat and Maharashtra and also for the city of Bombay, we will be burdening the High Court with so much work that there will be too great a strain on it in the discharge of prompt and speedy justice. In spite of another Division Bench at Lucknow, the volume of work at Allahabad makes it very difficult to cope with the enormous work of the big State of Uttar Pradesh. Similar would be the position for a common High Court for the new states of Gujarat and Maharashtra which will vie in population with and exceed in extent the huge State of Uttar Pradesh. Experience has shown that the establishment of a Division Bench in another part of the State does not much help the disposal of business. It may only cater to the convenience of distant regions in the State. Hence a separate High Court for Gujarat and one for Maharashtra and the city of Bombay at Bombay will be the proper solution. This will in no way adversely affect the glory and traditions of the Bombay High Court but will help to maintain and enhance them. For the convenience of Vidarbha and Nagpur a Division Bench should be located at Nagpur as per Nagpur agreement. We suggest that Parliament should accept our proposal and make suitable change in clause 45.

In the settlement of disputes regarding reorganization of States, the problem of border areas has become a very vexed question. When the States have come to be formed mostly on linguistic basis, the question of boundaries should also be solved on that basis. The wishes of the people in the border areas ought to receive prime consideration. The Dar Commission was disinclined to impose the wishes of the majority of people upon "a substantial minority of people speaking the same language" (para 10 of the Report of Linguistic Provinces Commission). The S.R.C. has, except in the

cases of a few talukas, adopted the district as the basic unit for making territorial readjustments. This has led certain areas, where there is a substantial majority of people speaking one language, to be included in another State of different language so as to reduce them to artificial minority and subject them to several hardships. This can be easily avoided by the inclusion of such areas in the bordering State of their language, irrespective of the consideration that these areas form part of a district or a taluka. The convenience and wishes of the people should outweigh administrative considerations; for, administration is for the people and people are not for administration.

The S.R.C. is aware of the hardship caused by the principle for redistribution laid down by it, and it therefore suggests that if any adjustments below district level are considered necessary, they should be made only by mutual agreement. But its recommendation is hardly of any practical use, because, those who have got a decision in their favour are rarely willing to forego the advantage. A decree-holder cannot be expected to surrender voluntarily the benefit of his decree to the judgement debtor. Unless the border disputes are settled on the basis of allotment of majority language areas to that state where the language of their majority is spoken, irrespective of the fact that a district or taluka is required to be split up, the discontent by and disadvantages of reducing majority to minority cannot be removed. The safeguards like education in mother-tongue at the primary stage are inadequate for them. Some proposed concessions like instructions in mother tongue under certain conditions at the secondary stage will also not be of much avail, for, many will be forced to take regional language as the medium of instruction for the secondary and higher education. The Commissioners have themselves pointed out discriminatory treatment of linguistic minorities in certain States. In spite of careful readjustment on linguistic basis some minorities will have to remain in every State but they will be real minorities in bilingual tracts and safeguards will have to be provided for them. But we should take care to make readjustments in such a way that a majority will not be converted into an artificial minority. Even a small group of villages or a single village, the majority of people in which speak the language of the adjoining state, should not, if these people so desire, be prevented from being included in that State.

From this point of view we propose the following readjustment of territories concerning Maharashtra:—

Starting from the southern end, that is North Kanara District, we find that Karwar and Halyal talukas and Supa Peta form a

compact area having a total Marathi and Konkani speaking population of about 70%. Konkani is a dialect of Marathi. Eminent philologists and many renowned Konkani scholars have shown his. The Government of Bombay by their resolution dated 28-11-1949 resolved "that both Marathi and Kannad should be recognised as regional languages of the talukas of Karwar and Halyal and Supa Peta in the Kanara District", and have thus recognised that Konkani is a dialect of Marathi. The written language of these Konkanis is Marathi. The language of the people in Goa territory, which is surrounded by these three talukas of Kanara District, Marathi Talukas of Belgaum and Ratnagiri Districts, is Konkani and all the 243 primary schools in Goa area are Marathi and not a single Kannad.

To the north of this region lies the Khanapur taluka of Belgaum district which has an absolute majority of Marathi speaking people. We are willing to concede the small eastern strip of Kannad villages in this taluka to Karnatak and the remaining major portion has a Marathi population of over 76%. Chandgad taluka is already allotted to Maharashtra by S.R.C. The larger part of the adjoining Belgaum taluka including Belgaum city is Marathi area and the persons speaking that language there are nearly 60%. Belgaum city has trade, cultural and social connections with Maharashtra. The Southern talukas of Ratnagiri district have intimate trade and commercial relations with Belgaum and through Belgaum with other parts of Maharashtra. If, in spite of great administrative and other conveniences to Andhra, Bellary without an absolute but bare single language majority is given to Karnatak, Belgaum with an absolute majority of Marathi speaking people and less than one-fourth Kannad population therein should, with greater force be allotted to Maharashtra. The Kannad people should remember the words of Justice Mishra when he gave them Bellary on linguistic basis. Andhras were complaining then, as the Kannadigas now, of the inconvenience that would be caused to them by the transfer of the district town of Bellary to Karnatak. Justice Mishra observed "I am aware of this (the difficulties due to the loss of headquarters) but temporary upsets are inevitable when a new State has to be carved out on principles of linguistic gravity. In such a case the people have to take the resultant advantage along with the disadvantages that a new formation of a whole State is bound to involve." This needs no further commentary.

The present area of Chikodi taluka of Belgaum district is not the original extent of it. The present Nipani Division of this taluka was, prior to 1848 A.D. a Jahagir of Sirlashkar, a Maratha Chief and Lieutenant General of the Peshwas. When the last

Sirlashkar died issueless, the British Government took over his Nipani Jahagir, and as the adjoining Marathi territories were held by the Maharaja of Kolhapur and Prince of Sangli, annexed it to the only adjacent British area of Chikodi taluka. Nipani Division is a compact Marathi area adjoining Kolhapur district and has a Marathi population of 74·6% and Kannad one of 16·7% and has, therefore, to be merged in Kolhapur district. The absence of an adjoining British territory in 1848 is no fault of the people of Nipani Bhag and should be no reason for excluding this Marathi division from its proper place in Maharashtra at the time of reorganisation of States. All the above Marathi regions have a population of over 6,32,000 of which Marathi speaking are over 71%, while the Kannad speaking are less than 18%. When Mysore is being formed on linguistic basis as a Kannad State, this big Marathi speaking area of the size of a district should not be included in it, but should be given its natural place in Maharashtra on the reorganisation of States. Hence Karwar and Halyal talukas and Supa Peta of North Kanara District, Chandgad taluka and the large areas of Marathi speaking majority in Khanapur and Belgaum talukas of Belgaum district and Vengurla and Sawantwadi talukas on the Southern end of Ratnagiri district can be formed into a good Belgaum district in Maharashtra. Belgaum is called 'Konkan' and will be a district place of another fine Konkan district. Though this area is now divided in three districts it is of a sufficiently large size to form one compact and well-knit Marathi district. Nipani Division should merge in Kolhapur District as it is close to and has affinity with that district.

There are some other groups of villages with a majority of Marathi speaking people in other talukas of Karnatak State adjoining Maharashtra and these deserve to be included in Maharashtra.

As regards the question of border areas between Maharashtra and Madhya Pradesh, there are certain talukas like Saugor in Chindwara district and Barhanpur in Nimar district where the Marathi speaking population is over 70%, and these talukas should as a whole, therefore, be included in Maharashtra. In other talukas like Multai, Bhainsdehi and Betul in Betul district and Warsoni in Balghat district etc. there are large Marathi areas contiguous to Maharashtra and these, therefore, ought to be included in Maharashtra. Similar is the case in connection with other areas in Hyderabad territory. A boundary commission with suitable terms of reference so as to meet our suggestions should be appointed and it should investigate these matters and decide them.

NEW DELHI;
The 14th July, 1956.

T. R. DEOGIRIKAR.
G. S. ALTEKAR.

III

The importance of States Reorganisation has to be judged in the background of the national movement when the demand for the formation of states primarily on the basis of language was very justly kept in the foreground. This inspired the people of India who naturally expected that with the advent of independence the promises made by the leaders of the national movement for generations will be fulfilled. The advent of 'Swaraj' though saddled with many intricate problems did not see the realisation of this long cherished hope and demand. On the contrary, a tendency developed among the persons in power to whittle down this just demand of the people. Since 1920 Congress organisation was formed largely on the principle of linguistic provinces irrespective of the administrative units under British regime. But the Congress leaders as members of the Government did not reorganise the States on the same principle when the Constitution was adopted in spite of the popular demand. The people in different places had to agitate under the national government for the fulfilment of this just demand, for linguistic redistribution of States. Ultimately the Government yielded to the popular demand. They formed the Andhra States and appointed a Commission for the reorganisation of States. The Commission submitted a report recommending in practice the formation of many new States on the basis of language, though it did not recognise the principle as such. The report, therefore, had some serious lacunae and weaknesses as the Commission allowed themselves to be guided in some cases by other considerations. This States Reorganisation Bill is the result of that report and therefore possibly the most important Bill of the present Parliament. We joined the Joint Committee with the hope of improving the harmful and retrograde provisions of the Bill. We are, however, disappointed at the attitude the majority party has taken in not agreeing to any change in the provisions of the Bill.

The provision to separate Bombay City from the new State of Samyukta Maharashtra and constitute it into a Part 'C' State offends all accepted notions of justice, democracy and fairplay. Culturally, economically, and geographically the City is a part of Maharashtra. It is the premier industrial City of Maharashtra, its economic nerve centre and its capital. Without Bombay the new Samyukta Maharashtra State will be a headless trunk. The separation of the City will jeopardise the economic advance of the new State and will prejudicially affect the interests of three crores of Marathi people.

The proposal embodied in the Bill therefore constitutes an act of gross injustice to the people of Maharashtra and is disruptive of

national unity. It has led to unnecessary bitterness between two sections of Indian people and the Government must bear full responsibilty for it.

It may be pertinent to quote here the S.R.C. Report which gave a clear verdict against a centrally administered Bombay though it favoured a bilingual State. "On the other hand, Greater Bombay has been the hub of political life of a democratically advanced State and its administration as a Central enclave may be regarded as a retrograde step. Another point to bear in mind is that Greater Bombay now depends for power and water supplies, no less for their expansion, on the Maharashtra area. The natural links of the City with its hinterland in Maharashtra are, therefore, another argument for not constituting greater Bombay into a separate administration" (SRC Report, pp. 116-17).

The present proposal further intends disenfranchising Bombay's 3½ million population as under it there will be no local legislature except at the pleasure of the President. In free and democratic India 3½ million people inhabiting Bombay are nonchalantly deprived of their franchise because the congress government does not like the idea of Bombay going to Maharashtra.

Are there any cogent reasons to justify this unheard of proposal and procedure? There is none except the fact that the ruling party wants to appease Bombay's big business interests who are opposed to the City going to Maharashtra. It is well known that Bombay's economic life is controlled by vested interests who do not come from Maharashtra. It is they who have been opposing Bombay's inclusion in Samyukta Maharashtra. In appeasing them the Government are trampling underfoot the just demand of the Maharashtrian people and all accepted principles of democracy.

In this background the question of Bombay assumes a bigger aspect, a national aspect and raises the basic question—should Indian democracy be sacrificed to appease a few vested interests? The future of Indian democracy will be dark indeed if accepted democratic principles are thrown on the scrap heap under the pressure of big business. The provision about Bombay City is a serious warning to all patriots and democrats.

The excuse that minorities in the City of Bombay are apprehensive is only a screen to hide the conspiracy of the vested interests. There are constitutional guarantees for the minorities, besides the leaders of Maharashtra have offered to provide all adequate and reasonable safeguards. These could have been easily discussed and

a settlement arrived at. But the vested interests are not at all interested in carrying out a settlement. These fears have been artificially raised by interested propaganda and the ruling party in Bombay has played an important role in it. But for them there would have been no apprehensions at all. Every honest person who has the good of his country at heart must hold his head in shame at this unscrupulous use of minorities to veto a just and democratic demand. Nothing but national disruption and lack of faith in democracy will result in this. We therefore are of the opinion that greater Bombay should form part of Samyukta Maharashtra.

We are also of the opinion that the Marathi speaking taluks of Khanapur and Belgaum taluk in Belgaum district and the Marathi speaking part of Karwar, Supa and Holyal in Karwar district should form part of Samyukta Maharashtra. There is no reason for tearing away these parts from Maharashtra. Similarly the Kanarese speaking areas of Akalkot and South Sholapur should be included in the Karnatak State.

Similarly, the majority Telugu speaking areas of Kolar District in Mysore State, Sirvancha of Chanda District in Madhya Pradesh should be included in the newly formed Andhra State.

With regard to Punjab we feel that the present bilingual Punjab-Pepsu States should have been reorganised into two separate linguistic States, one Punjabi-speaking and the other Hindustani-speaking.

We wish the name of Mysore State be Karnataka as desired by the people of the State.

On the problem of Tribal people there is no clause to safeguard their democratic rights. We feel that the tribal people inhabiting contiguous regions should not be arbitrarily divided among many States. For example, the Koyas are distributed between three States of Andhra, Madhya Pradesh and Orissa. The Santhals between the States of Bihar, West Bengal and Orissa. The tribal areas should be attached to those States where it is most conducive for their speedy, economic, social and cultural progress.

Good and democratic Government can be guaranteed only when the people have a voice in the affairs of the State. This is best attained in unilingual States. Many of our States face the problem of underdevelopment which is the result of foreign rule and the States have to concentrate all their energies to overcome this lag. In view of this, it is highly essential to draw the map of Free India finally and settle the knotty problem of border minority. We therefore feel that it is necessary for the readjustment of boundaries of many States, to minimise the problem of minorities, to form

boundary commissions to demarcate the line on the basis of language taking village as a unit where they are contiguous. These boundary disputes which are eating up the energies of the nation should not be allowed to continue for long. We are unable to convince the Government who it seems to us want such disputes to be continued among the States. The sinister effect of such methods is best known to the people of India in the very recent past.

The Scheme of Zonal Council as in the Bill, though advisory in character will lead to the formation of a State above State and ultimately lead to formation of big multilingual States much to the detriment of national interest. We however, fully appreciate the scope and necessity of inter-state co-operation in the matter of economic and social planning. We felt therefore that Zones should be flexible and without any fixed number. The States having common interest in planning should be formed into zones if need be. We are unable to understand what common interest Assam has with Orissa or Andhra with Kerala. Possibly from economic planning Andhra has much in common with Maharashtra and Orissa who are in different zones under the scheme of the Bill. We are strongly opposed to the boundary disputes and minority problem being discussed in zones. About the boundary disputes we know from the recent experience how the responsible Governments of the States behave. We feel that the minorities should be protected by the good feeling of the majority and should not look to the outsider like the head of a Government of a State where they are in majority. This is a very retrograde step completely damaging the root of all democratic functioning in the country. We are strongly opposed to the provision of 17(4) where majority decision will prevail in the Zonal Council. This, we suppose, is based on the theory of checks and balances and will lead to unhealthy lobbying among the member States. We feel that the decision should have been taken by concurrence of the interested States.

We felt that there should be statutory safeguards of the linguistic minority rights as to education upto Secondary stage in their own language and also the use of language in the administration, courts and also service commission where they form a substantial number. There is bound to be some linguistic minority in some areas and more specially in big cities and industrial centres. They should also feel that they have as much right like any other Indian citizen for their self-expression and development. Recent events have shown that in spite of some salutary features of our Constitution these minority rights are not protected and they feel frustrated under the present administration. Therefore, some statutory provision of such rights and their protection is necessary.

The provision has been made that there shall be no election for State legislatures in the present State of Andhra on the ground that they had election only two years ago. For the wider interests of democracy we feel that election should have been held. Practically a new State is being formed and the legislature of the composite State should come with the mandate of the people for the development and progress of the whole area as the problems may be different. Their old mandate ceases to have any force after the composite State is formed.

On principle we are opposed to the continuation of existence of Second Chamber in any State. We understand that legislatures of the present States of Bombay and Punjab have already passed resolutions for such abolition. We are therefore opposed to the formation of the Legislative Council in the new State of Maharashtra even without taking the suggestion of the legislative assembly as provided in the Constitution. The new Maharashtra State will have many problems and it would have been better if the money proposed to be spent on the working of their legislative council could be utilised for development of the new State.

We are opposed to the provision of Section 42 as to the nomination of Associate members by the Central Government. The Government is not even willing to accept the addition of the qualifying clause of such nomination being made keeping in view the composition of the Houses or Sabhas which find a place in the Delimitation Commission Act, where nomination was made by the respective Speakers. This minor safeguard for opposition parties was not conceded by the ruling party who are in majority in the Committee.

We are opposed to the idea of having a single High Court for more than one State especially having different languages. We feel that in course of time regional language should find a place of greater importance in the administration of the High Courts. We are therefore opposed to the idea of having one common High Court for Gujarat, Maharashtra and Bombay. We demand that Maharashtra and Bombay should have one High Court as Bombay must form part of Maharashtra whenever Bombay's status as Union territory comes to an end. However, majority members including many Maharashtrians supported the clauses of the Bill and opposed our amendments.

As the new States are formed by amalgamation of two or more areas which have different conditions of services for their employees it is necessary to give to the employees some guarantees about their services and also its conditions. Security of tenure and guarantee of employment to them must be given.

Subject to the above note we generally support the provisions of the Bill as it largely fulfils the distribution of States on the linguistic principle. There are lacunae to be filled and we hope when it comes to Parliament, we shall all endeavour that the Bill with the necessary amendments has an easy and quick passage so that the new States are formed on the 1st of October much to the expectation of the people. We have read the report.

NEW DELHI;
The 14th July, 1956

K. K. BASU
J. V. K. VALLABHARAO

IV

I agree with the Report of the Committee subject to the following observations:—

The States Reorganisation Commission proposed the setting up of 16 States (including Jammu and Kashmir) and 3 Union Territories. The States Reorganisation Bill as it is now going to Parliament after deliberations in the Joint Committee provides for 15 States and 7 Union Territories. In other words as compared to the States Reorganisation Commission's proposals while the number of States has been reduced by one the number of territories has increased by four.

2. The classification of the future component Units of the Indian Union as States and Territories is basically sound but unfortunately the recommendations of the Commission that democracy in the territories should take a form of the people being associated with the administration in an advisory rather than a directive capacity has been too rigidly adhered to. This will be clear from a perusal of the proposed Article 239 of the Constitution which, although a distinct improvement on the old draft in so far as it gives Parliament power to legislate with regard to the administrative set-up in these areas, is silent about the provision of any kind of legislative powers howsoever limited or the establishment of a Council of Advisers or Ministers. This means that the Union territories are being permanently debarred from attaining Statehood in their own right and should the people of these areas seek a fully democratic form of Government they would have to merge themselves in larger States. In other words once a Union territory always a Union territory seems to be the maxim which *prima facie* runs counter to the provisions of Article 2 of our Constitution under which Parliament may by law establish new States of the Union and such new States could include any of the existing Union territories.

3. Of the seven areas which are now going to be Centrally administered three *viz.* Delhi, Manipur and Andaman and Nicobar Islands were recommended for this status by the S.R.C. Report. Bombay, Himachal Pradesh, Tripura and the Laccadive, Minicoy and Amandivi islands are new additions. The case of Bombay is peculiar and has raised great controversy. Even now it has been agreed that the wishes of the people of this great city will be democratically ascertained within the next 5 years especially with regard to their Union with the new Maharashtra State. In so far as Himachal Pradesh is concerned, the Government of India have stated that this area is a part of the Punjab and would ultimately merge with that State. Similarly Tripura is being continued as a separate Unit only for the time being and public opinion therein is slowly veering round to its eventual merger with Assam. In so far as the Laccadive, Amandivi and Minicoy islands are concerned, lying in the Indian Ocean and having a population of about 8,000 souls, their future status might well be equated with that of the Andaman and Nicobar Islands. It might therefore be argued that the territories of Bombay, Himachal Pradesh and Tripura are there only for the time being. But this is not necessarily so. The fact remains that once we have created these Union Territories it would be wrong to decide about their ultimate future without consulting the wishes of the people who reside therein. Supposing therefore that the people of Bombay or of Himachal Pradesh are unwilling, even after 5 years, to merge themselves with Maharashtra or Punjab are we going to permanently debar them from the enjoyment of democratic institutions including legislatives having limited powers? The phrase "Union Territories" is not new in Constitutional Law and even today the United States of America has several such areas such as Hawaii and Alaska. In the U.S.A., however, the territories are administered in such a way that although they are excluded from the family of States yet the people residing therein continue to enjoy a fully democratic administration including "Territorial Legislatures" having power to enact laws subject to approval by Congress. I think it should not be at all difficult to devise some such method for the administration of our Union Territories because such a step is bound to satisfy the democratic aspirations of our people. It is true that these areas will have weightage in Parliament wherein they are now proposed to be given 12 seats in the Rajya Sabha and 25 seats in the Lok Sabha but it is with the day to day administration that the people are mostly concerned and suitable Constitutional provisions for their active participation in their own affairs would leave the 71 lakhs of people resident in our Union territories happy and contented. In this connection attention is also drawn to the provisions of Articles 80 and 81 of the Constitution and Section 45 of the States Reorganisation Bill. The

former leaves it to Parliament to prescribe the method of choosing the representatives of the Union territories to the Rajya Sabha and the Lok Sabha while the latter seems to debar the proposed Delimitation Commission from delimiting afresh the Parliamentary Constituencies of the Union territories. I therefore strongly urge that although the revised Articles 80 and 81 leaves the method of choosing representatives to the Union Legislature to be laid down by Parliament by law such representative must in the case of the Rajya Sabha come through directly elected electoral colleges such as we have at present in the existing Part "C" States of Kutch, Manipur and Tripura and in the case of the Lok Sabha by direct elections from territorial Constituencies in the Union Territories except in the case of the Andaman and Nicobar Islands where owing to special reasons the existing system of nomination may be continued for the time being.

4. Then there is the question of representation proposed to be given to the Union territories in the Council of States. Now that Article 80 of the Constitution is being suitably amended to provide representation to these territories in the Rajya Sabha it would in my opinion be a happy augury for the future if each of our existing territories were represented therein irrespective of population. As the Bill stands at present, only the Andaman and Nicobar Islands and the Laccadive, Amandivi and Minicoy group will go unrepresented in the Upper House. This omission could however be rectified by grouping them together and giving them one seat in the Council of States. It is true that their joint population does not exceed 75,000 but then the people of no Centrally administered territory should have feeling that they will go unrepresented in either House of Parliament wherein laws concerning their future welfare are going to be discussed and finally adopted.

5. Lastly a word about the High Courts for the Union territories. There is strong opinion to the effect that the jurisdiction of the adjoining High Courts should be extended to these territories thus replacing the existing courts of the Judicial Commissioners. Of the seven Union territories proposed, two *viz.* Bombay and Delhi are going to enjoy the benefits of the Bombay and Punjab High Courts. The question therefore remains about the other areas. At the present moment each of the Part "C" States of Himachal Pradesh, Manipur and Tripura have Courts of Judicial Commissioners. Now there might be certain inherent defects in a one man High Court like the Judicial Commissioners Court but the fact remains that this method of judicial administration has provided the people with cheap and expeditious justice. Anyway this is a controversial matter and I am of the firm view that the jurisdiction of the adjoining High Court should only be extended to a Union territory

after the Government of India have conducted a full and frank enquiry both with regard to the existing conditions prevalent in each area and the propriety of such a step in the near future. It goes without saying the ascertainment of the wishes of the local Districts Bars and other representatives institutions and individuals in these territories with regard to this matter is necessary and desirable and these should be given due weight and attention before the structure of the existing Judicial Commissioners Courts undergoes any change.

NEW DELHI; ANAND CHAND
The 14th July, 1956.

V

1. Omission of border readjustment of Orissa, from the scheme of the S. R. Bill, 1956, is a serious lacuna which I cannot emphasise too adequately. It will leave a permanent rancour in the hearts of fifteen million Oriyas, that they were subjected to a gross injustice.

2. The Bill under reference has been framed with the aim of "reorganisation of the component units of the Union on a more rational basis, after taking into account not only the growing importance of regional languages, but also financial, economic and administrative considerations". The S. R. Commission which was appointed for investigating the problem had the following Terms of Reference:

> "The Commission will investigate the conditions of the problem, the historical background, the existing situation and the bearing of all important and relevant factors thereon. They were free to consider any proposal relating to such reorganisation. The Government expect that the Commission, would in the first instance, *not go into the details*, but make recommendations in regard to the broad principles which should govern the solution of this problem and, if they so choose, the broad lines on which particular States should be re-organised, ***" (italics mine).

Thus even though the Commission was not expected to go into the details of the question—like border readjustment—but was commissioned only "to make recommendations in regard to the broad principles", went into a number of border problems and made recommendations in those regards, the underlying principles of which negated each other. In the wilderness of expediency, principles fought against each other until none was left.

3. It is unfortunate that in questions of this nature the Government, completely relied on the findings of the Commission, in framing the Bill. These matters should have been better left for Boundary Commissions like the Misra Commission, for giving awards on the specific issues involved after thorough investigation.

4. According to the Government Press Note of the 16th January, 1956, the Government departed from the recommendations of the Commission in regard to certain disputed border areas, "largely by agreement". But the principle of agreement was no more sacrosanct for according to the said Press Note, "the departures which have been made from the Commission's scheme are restricted to a few cases in which it has been found that the minimum measure of agreement necessary for the efficient working of the administrative units would not be forthcoming on the basis of the Commission's recommendations!" (*Vide* para. 5 of the Press Note).

5. The principle of mutual agreement is quite praiseworthy in nature, even though the British Government at one time in India gave this piece of good advice to the Congress to "come to an agreement with the League", before they could leave India. But what agreement can there be between the party that claims and the party that withstands the claim? Even in the case of W. Bengal, where the Government arrived at certain decisions recommending transfer of certain areas from Bihar to W. Bengal, on the basis of the recommendations of the S.R.C., the Government of Bihar made no secret of its strong resentment at the recommendation. Thus the principle of agreement between the States concerned is easier enunciated than implemented. But suppose the parties concerned do not arrive at an agreement on any particular matter; what prevents the Government from meeting justice to the aggrieved party, after reviewing the question either through a judicial Tribunal or a Boundary Commission. In fact in certain cases the Government have imposed their decision, where the parties concerned could not agree.

6. *Orissa's Case.*— In this connection, I think it will not be out of place to restate Orissa's case for border readjustment in brief. Sadar and Seraikella sub-divisions of the Singbhum District in Bihar, with a population of 679,036 and area of 3,308 square miles were claimed on behalf of Orissa, on grounds of the will of the people, administrative convenience and linguistic and other consideration, along with Deobhog and Phul har areas in the Raipur District of Madhya Pradesh and certain areas in Andhra.

7. Singbhum District in Bihar is a "No Man's Land" considered from linguistic point of view. Oriya is spoken by the largest number of people in Sadar Sub-Division while Oriya is also largely

the Dhalbhum Sub-Division of the District. Besides favoured in guages, a bable of dialects like Kurmali, Khotta Bangla, these two lar ia, Maghai, Bhojpuri, Sadri and Bathudi, all lumped Tamaria, Lar r Hindi are spoken by a small percentage of the together unde s these "Ho" is the predominantly spoken dialect people. Besid population of the District. Accordingly to the 1951 among the triba tal population of 679,036 in the Sadar sub-division census out of a to speaking Oriya as their mother tongue, numpersons returned as per cent. of the total population as against bered 104,779 or 17.1 7 per cent., who returned as speaking Hindi only 34,554 persons or ndi-speaking people are largely immias mother tongue. Th ing areas, which has been admitted grants from other Hindi-spea 951 census. At page 42 of Paper by the Registrar-General of the I stated that "out of a total No. 1 of 1954 (Language) it has been District, 1·92 lakhs were population of 14.81 lakhs in Singb in D of this 1.80 lakhs found to be immigrants at the 1951 census and linguistically have come from Hindi-speaking areas!" Therefo ference. Bihar can possibly have no claim on the area under r

8. The Hos who constitute 57·5 per cent. of the total po ulation of the sub-division are really the deciding factor. Linguist cally their affinity is far greater with Oriya than with Hindi. This fact has been examined and stated by various competent authorities beginning from Grierson upto the Superintendents of the various census operations in India. Economically the Hos are more dependant on Orissa than on Bihar. Since time immemorial the Hos of Chottanagpur have migrated from the Chottanagpur plateau in the North towards the Orissa Districts in the South in quest of land. That quest still continues unabated. Commending upon the diminishing Hos population of Bihar, the Census Superintendent of the State observes, "Ho.....have lost ground to some extent. This is largely due to migration of Hos to the tea district of Assam and also to some extent to Mayurbhanj in Orissa". As a result of this there are more Hos in the adjoining Districts in Orissa than the whole state of Bihar excluding the Singbhum District. In fact the Hos are found nowhere else except in Singbhum and the adjoining Districts of Orissa. Therefore interests of the Hos population and also administrative convenience would have been better served by bringing the Hos under the administration by transferring the area under reference to Orissa, which their elected Representatives in the Bihar Assembly unequivocally demanded. In this connection it may be stated that out of 12 M.L.As. in the District of Singbhum 7 have publicly declared in favour of Orissa, and of these 6 including the ex-Leader of Opposition in the Bihar Assembly represent the Tribal people of that district. Thus Orissa's claim on the Singbhum Sadar though based on irrefutable grounds, was rejected by

the S.R.C. on the ground that the O'Donnell Committee had rejected this claim more than two decades ago, under circumstances which have lost all validity and have completely changed in favour of Orissa at the moment.

9. Saraikella and Kharswan were among the 25 Oriya-speaking States which were integrated with Orissa on 1st January, 1948, pursuant to the merger Agreements signed by the Rulers of these States with the Government of the Dominion of India on the 14th and 15th December, 1947 respectively. Thus the integration of these two States with Orissa, indicated the awareness of the fact that the two States had historical, linguistic, economical and cultural affinity with Orissa. The preamble of the Seraikella Agreement runs as follows:

"Whereas in the immediate interest of the State and its people the Raja of Seraikella is desirous that the administration of the State should be integrated as early as possible with that of the province of Orissa in such manner as the Dominion of India may think fit." The preamble of the Kharswan Agreement was more specific and runs as follows:

"Whereas by reason of its geographical situation the smallness of its size and its resources, and the oneness of its economic and cultural life with that of the Province of Orissa it is apparent that the complete merger of the State of Kharswan in the Province of Orissa is the only way of securing the peace, prosperity and progress of its people: And whereas in the immediate interests of the State and its people, the Raja of Kharswan is desirous that the administration of the State should be integrated as early as possible with that of the Province of Orissa in such manner as the Government of the Dominion of India may think fit....."

10. Soon after the integration of these two States with Orissa a controversy was started by Bihar for transferring these two States to Bihar. The situation was further confused by an incident of wanton firing on the Adivasis at Kharswan on the 1st January, 1948, where they had assembled for demonstrating for the formation of a Union of the Eastern States of Orissa and Chattisgarh Agency. Even though the matter was closed and resjudicata for Bihar, the subsequent developments already referred to, re-emphasised the controversy between Bihar and Orissa. In view of this unseemly controversy started by Bihar, the Government of India appoints a Tribunal with Mr. Justice Bavdekar of Bombay High Court in Ministry of States Resolution No. F.2(35)-P/48 dated New Delhi, the 7th April, 1948—to adjudicate upon the rival claims of Bihar and Orissa, over these two States, according to the following Terms of Reference: (1) The wishes of the people of the States (2) there

historical, economic, linguistic and cultural affinities and (3) considerations of administrative convenience. But on the 18th May, 1948 before the said Tribunal could examine the issue and give an award, the Ministry of States, without ascertaining the wishes of the people and their historical, linguistic and cultural affinities transferred these two States, to Bihar, temporarily, on the plea of lack of geographical continguity of these two States with Orissa, as Mayurbhanj another Orissa State, had not merged with Orissa till then. In the meantime, on the 1st January, 1949 the State of Mayurbhanj merged with Orissa, after which the two States of Seraikella and Kharswan established clear geographical continguity with Orissa. Thus the logic of events would have been sufficient to induce the Government of India to retransfer these two States back to Orissa. But that was not to be. A temporary expedient has now been made a final arrangement.

10. The wishes of the people of Seraikella and Kharswan have been repeatedly expressed since then in favour of Orissa. In the 1951 election, the Gantantra Parishad Candidate from Seraikella was returned to the Bihar Legislative Assembly by defeating all the rest in the field, on the specific issue of transfer to Orissa. The elected Representative from Kharswan also, in his memorandum submitted to the Government of India, as also in the evidence led before the Commission, unequivocally demanded for transfer to Orissa. In the recent Municipal Elections all the eight seats on the Municipal Council of Seraikella have been captured unopposed by the protagonists of merger with Orissa. Linguistically the Oriyas in Seraikella and Kharswan form the single largest group. The Hos, who constitute the next largest group have far greater affinity with Oriya than with Hindi.

11. But in spite of all these fundamental considerations the S.R.C. did not recommend retansfer of these two States back to Orissa, on the plea that, in view of their earlier recommendation for transfer of certain portion of Purulia Sub-district in Bihar to West Bengal, retransfer of these two States to Orissa, will convert the Dhalbhum sub-division to an enclave of Bihar, without any geographical continguity with the rest of the State. In the words of the Commission: "Above all, in view of the recommendations which we make in the next chapter for transfer of part of Manbhum District to West Bengal, the transfer or Seraikella sub-division or any part thereof to the State of Orissa, will convert the Dhalbhum subdivision in the East into an enclave which will not be physically contiguous to the rest of Bihar." (S.R.C.R. para. 625, p. 171). But this chief obstacle in the way of S.R.C. for recommending retransfer of these two areas to Orissa, has now been removed by the modified

decision of the Government to retain the Chandil Thana and Patamda Police Station of the Barabhum Thana of the Purulia sub-district of the Manbhum District in Bihar. (*Vide* Press Note dated 16th January, 1956 of the Ministry of Home Affairs). Therefore even though a review of Orissa's case was clearly called for in this regard, it was most imperiously ignored.

12. Orissa, claimed Seraipalli and Basna Thanas of Phuljhar, Deobhog and Mainpur Thanas of Bindra-Nawagarh and the Sankara Enclave of Raipur District in Madhya Pradesh, on grounds of linguistic majority and administrative convenience. In the census of 1951 out of a total population of 274,597 in Mahasamand Tahasil Rural A, which roughly corresponds to Phuljhar Oriyas numbered 14,681 or 53 per cent. of the total population. The Laria population of 32 per cent. is more Oriya than anything else. This fact has been examined and stated by the census Authorities of the 1951 census. (*Vide* Page 43 of Census of India Paper No. 1 of 1954). Therefore Oriyas in this tract constitute 85 per cent. of the total population, which alone would have prevailed with the Government for transferring these areas to Orissa and make provisions in that behalf in the present Bill. But from what myopia both the Government and the Commission suffered, so far as Orissa was concerned would be apparent from the case relating to Sankara Tract. This Tract consisting of five villages of Sankara, Rabo, Mahodi, Bharatpur and Rampur of the ex-state of Sarangarh has a population of 3,657 and an area of about 4 sq. miles. This tract is surrounded on all three sides by the Sambalpur District of Orissa, and has no road communication with Raipur. The excise administration of this tract is being looked after by the Deputy Commissioner of Sambalpur in Orissa, since 1911. Yet the Government would not think it fit to transfer this enclave to Orissa, even though they were creating a huge sprawling State like Madhya Pradesh.

13. I gave notice of amendments to the S. R. Bill, 1956, in the Joint Committee, to make good these blatant omissions. But those amendments could not be considered as the Bill under reference had not been discussed in the Orissa Assembly, under Article 3 of the Constitution; even though the Government had sent a copy of the same to the Government of Orissa. I believe, not before long the Government would appoint a Boundary Commission to go into these questions and assuage the pangs of injustice inflicted on the fifteen million Oriyas.

Union Territory

14. I am thoroughly opposed to the concept and creation of Union Territories, in the year 1956 in India, which I consider an infraction of the democratic rights and aspirations of the people of the areas

concerned. The Bill seeks to create the following Union Territories: (1) Laccadive, Minicoy and Amandivi Islands (2) Greater Bombay (3) Delhi (4) Himachal Pradesh (5) Manipur and (6) Tripura. In British India there were Chief Commissioners' Provinces as distinct from Governors' Provinces, as units of Federation, and they were, British Baluchistan, Delhi, Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands and the area known as Panth Piploda. Every Chief Commissioner's Province was administered by the Governor-General acting through a Chief Commissioner, appointed by him in his discretion. Such areas were of strategic and political significance. But the irony is the present bill while conferring full democratic stature on these areas not accustomed to democratic institutions (British Baluchistan is no more in India), seeks to deprive people of Bombay and Himachal, of the democratic institutions and stature which were conferred on them by the Constitution. In this context conversion of Greater Bombay to a Union Territory is politically wrong and indefensible. This could have been very easily avoided by integrating these areas with the adjoining Part A States according to suitability. Bombay could have gone to Maharashtra, Himachal Pradesh to Punjab, Manipur and Tripura to Assam and Laccadive, Amandivi and Minicoy Islands to Madras. Delhi, as the seat of the Union Government could have been governed as a Territory like the Washington D.C. or Canberra, according to an enactment which could have been framed for the purpose. In fact, the S.R.C. recommended only for two Union Territories, besides Delhi, namely Manipur and the Andaman and Nicobar Islands. Out of these two Manipur's continuance as a Union Territory was a temporary expedient for five years. (*Vide* page 197, S.R.C.R.) But according to the present Bill the Union Territories enumerated earlier, are meant to be permanent features of the political landscape of India; at least there is no knowing whether it will not be so. If on the other hand these Union Territories are temporary expedients, one may legitimately ask, what strategic or political considerations warrant such infraction of the democratic privileges of the people.

14. Instances of U.S.A. Territories are highly misleading in this context, inasmuch as the historical and political background of the Union Territories of the U.S.A. are completely different from those proposed for India. Alaska the oldest of the Territories in U.S.A. was acquired in 1860 from Russia and therefore had to be incorporated into the Federation of U.S.A. Puerto Rico was acquired from Spain in American Spanish War. Only in 1917 inhabitants of Puerto Rico were granted American citizenship and the fundamental rights, except trial by Jury. Hawaii is governed by an Organic Act passed in 1900. Virgin Islands was acquired from Denmark in 1917. But it baffles my imagination how Bombay or as a matter for that Himachal

"Corporated Territories" of the Indian Union, can be equated with Puerto Rico or Virgin Islands.

15. Moreover all these Territories have right to choose Delegates for the House of Representatives in Washington, while all the Territories have ELECTED BICAMERAL LEGISLATURES and are empowered to make local laws which provide for maintenance of law and order, raise money and appropriate public funds. Its Acts are subject to veto by the appointed Governor; but the veto can be overridden by a two-thirds vote. Only Panama Canal zone has no legislature, as it is not regarded as of same character like the other Territories. In U.S.A. the movement is now growing for conferring full democratic rights on these Territories and I understand a Bill is now pending before the American Senate for conferring full democratic rights on Hawaii. In that context detraction of democratic privileges from people in certain parts of India, who were accustomed to democratic institutions, is highly retrograde.

16. In the Select Committee we could not be enlightened on the administrative set-up, proposed for these Territories. The American example, I consider quite worthy of emulation.

Zonal Councils

17. I have not been able to reconcile myself with the idea of Zonal Councils. The States have already been reduced to bloated District Boards. The Zonal Councils will make them redundant. If we want bigger Units on administrative basis, let us have such units by all means. If we consider linguistic States conducive to the development of our political life, let us have faith in linguistic States. But, I am afraid the Government has faith in neither. I am amazed to find that linguistic States should have been considered something monstrously anti-patriotic and centrifugal with its poisonous arrows aimed at the very heart of our nationalism. This is an instance of over imagining things, which has no practical validity. This exaggerated imagining has produced the Zonal Councils which are neither fish, nor fowl, nor good red herring. During a brief discussion on the Zonal Councils its critics recognised only one virtue in these Councils; it was thought that the Zonal Councils will wear off the linguistic and exclusive angularities of the linguistic States. It is yet to be seen to what extent genial exchanges and expression of concern about mutual well-being of the States' Representatives, under the watchful eye of the Union Minister, the Chairman, will break the barbed wire fences of the imagined exclusiveness of the States. But to that extent I wish the Zonal Councils godspeed.

18. But my objection to the Zonal Council is more fundamental. Under Art. 263 of the Constitution, if public interests so warranted, the president could establish inter-state Councils for enquiring into

and advising upon disputes between States, and for investigating and discussing subjects in which some or all of the states, or the Union or more of the States have a common interest and make recommendations upon any such subject. In view of such clear provision in the Constitution, creation of Zonal Councils for identical purpose is largely unnecessary. It is said that such inter-state Councils are *ad hoc* in nature while the Zonal Councils will be permanent apparatuses for inter-state consultations. But even now the States hold consultations *inter se*, as and when necessary. Therefore the Zonal Councils will achieve nothing new of practical value.

19. I am very much against the provision in the Bill for entrusting the Zonal Councils with border disputes and safeguard of the interest of the linguistic minorities. Such provisions will defeat the very purpose for which the Zonal Councils have been proposed. In other words, the Zonal Councils will keep alive the border disputes for all times to come, and less enterprising States in Zonal Councils might suffer coercion in this regard.

Boundary Commission

20. Further, I am of the view that Boundary Commission should be appointed for examining specific questions of border disputes and giving awards. In fact in para. 9 of the Explanatory Note of the Draft S.R. Bill, such Boundary Commissions were contemplated. (*Vide* page 3). The present Bill should have contained specific provisions in that regard.

Linguistic Minorities

21. In the Select Committee, the idea of setting up of some kind of machinery for ensuring the various safeguards proposed for the linguistic minorities found many supporters. In fact, the S.R.C. in their Report laid great stress on assumption of special responsibility by the federal Government in respect of minority rights in constituent Units, as in Canada. The Government now propose to charge the Governors with special responsibility in that regard. This is not a very satisfactory provision in view of the fact that the Governors are mere constitutional heads without any discretionary power and would not seek unpleasantness with their Cabinets in this regard. I am of the view that a Commissioner should be appointed for looking after the interests of the linguistic minorities, whose Reports will be placed before the Parliament annually. That will go a long way towards ensuring the safeguards of the linguistic minorities. The Zonal Councils cannot be entrusted with this, at any rate.

NEW DELHI; SURENDRA MAHANTY

The 14th July, 1956.

320 G of I (Ex.) No. 6

VI

I agree with the report of the Joint Committee subject to the following note of dissent:—

Amendments proposing the exclusion of certain adjoining Oriya areas from Madhya Pradesh and their inclusion in Orissa were ruled out of order, under proviso to Art. 3 of the Constitution. Proviso to Art. 3 lays down that:—

(a) No Bill for alteration of State areas could be introduced except on the recommendation of the President.

(b) the views of the State Legislature or Legislatures be consulted, where the above proposals affect the boundaries of a State or States.

(c) The views of State Legislature or Legislatures be consulted with regard to the introduction and proposals of the Bill.

It may be stated here that the Governments and the State Legislatures of Madhya Pradesh and Orissa were consulted on the S.R.C. Report and that they have placed their respective views. The Government and the State of Madhya Pradesh, boundaries of which were proposed to be reduced, by the proposed amendments, have been consulted in terms of proviso to Article 3. The amendments ruled out of order relate to the exclusion of certain adjoining Oriya areas of Madhya Pradesh and these amendments are in terms of the resolutions passed in the Orissa Assembly on the S.R.C. Report. I contend that no resolution of the Orissa Assembly is necessary in terms of Article 3, for it is not the State, whose boundaries are diminished. The ruling has limited the scope and purview of the discussions and decisions of Joint Committee in this regard, to which, the said Committee was fully competent to dispose of. If the Orissa Assembly did not express itself on this Bill, it is because, the State Government was advised by Delhi not to summon the Assembly.

2. *Zones and Zonal Councils*

Part III of the Bill, Clauses 15 to 22, deal with zones and zonal councils. These provisions propose to constitute a complicated and costly machinery for which the Union Government, under the present Constitution, have ample powers, to fulfil the purposes laid down in clause 21 of the Bill. Thus item No. 20 of List No. 3 of the

Seventh Schedule includes economic and social Planning and is in the Concurrent List. Article 246(2) vests full authority in the Union to give effect to this. Article 249 of Part II chapter I vests power in Parliament to undertake legislation in matters of State List under certain conditions. In part II, chapter II Articles 256 to 262, the Union Executive have got very wide powers to give effect to all purposes mentioned in clause 21 of the Bill.

Above all, Article 263 empowers the President, to constitute of an Inter-State Council, at his discretion, whenever necessary. All these are stated to show that the powers, proposed in part III are already there with the Union Executive and there is no need to make them statutory, when it could be done by executive action. If however it is felt necessary, an All India Council in terms of Article 263, could be constituted, on a permanent basis, as was proposed by me in the following terms:—

That there shall be an Inter-State Council in terms of Article 263, with Headquarters at Delhi. The Prime Minister of India and the Home Minister to be the *ex-officio* President and Vice-President, with the Chief Ministers of the States as its members. The President of the Council will have the right to nominate, eight other members. The strength of the Council shall not exceed twenty-five members. In the absence of a Chief Minister, a state could be represented by any other member of the cabinet. The functions of the council shall be the same as those mentioned in clause 21 of the Bill *viz.*—

(a) border disputes,

(b) linguistic minorities,

(c) inter-state transport,

(d) economic and social planning, and

(e) inter-state control of epidemic and all other matters of common interest and benefits as between the States and the Union.

The Council shall have its own secretariat under the discipline and control of the Vice-President as per rules prescribed by the council. All expenses including that of the secretariat are to be paid from the Consolidated Fund of India. The President shall have the power to nominate not more than five experts, as advisers, including a representative of the Planning Commission. These advisers could take part in discussions, but shall have no right to vote. In the absence of the President, the Vice-President is to preside and conduct its deliberations. The Council shall have the power to frame its own rules regarding conduct of meetings etc., as also other matters concerning the Secretariat.

The zonal scheme accepted by the Joint Committee is cumbrous, expensive and is bound to cause delay.

The new clause regarding Joint sittings of two different zonal councils adds further to the difficulties. The existence of the zonal secretaries, by rotation, from States, is bound to affect severely in its work and discipline. The Union Cabinet Minister, as president of the Zonal Council, will be generally absent from zonal headquarters. Chief Secretary is again brought for a year, by rotation. Both these are bound to affect the outturn, quality of work and discipline of the Secretariat.

Usefulness of the Zonal Council work depends more on the status and prestige of the Council. This will not be possible, unless the Prime Minister or the Home Minister is there to guide the deliberations. Five Zonal Councils discussing and deciding similar questions are bound to take differing decisions on such important issues. Different decisions on such questions may bring in difficult implications. Considered from all such points of view, the creation of statutory Zonal Councils are unnecessary, expensive and are bound to create problems instead of solving any.

BISWANATH DAS

NEW DELHI;
The 14th July, 1956.

VII

The Bill which was referred to the Joint Committee for consideration left us very little scope for any material improvement or alterations. The Bill has inherent defects and, if the honourable House finds it unsatisfactory after it has gone through our hands, it is neither our fault, nor that of the Home Ministry, nor of the Bill itself. The inherent defects lie in the Report of the States Reorganisation Commission itself which, like the Pandora's Box, let loose a storm of undesirable trends and, instead of pouring oil on troubled waters, has sowed the dragon's teeth.

We were among the few that said that the remedies proposed by the S.R.C. were worse than the disease for which we had expected a rational solution. We had expected a solution keeping in the forefront, and as the dominating theme, the building up of Socialist Society in India and the effective prosecution of the Five Year Plans. Had these two essential pre-requisites been kept in mind by the learned members of the S.R.C., the shape of things to come would have

been quite different, and, perhaps, somewhat satisfactory. The S.R.C. was given unlimited terms of reference. There was nothing to prevent them from doing a bit of economic thinking, or from consulting experienced administrators regarding administrative and boundary problems. The result has been a highly garrulous, meandering, confused thesis, full of contradictions, no set guiding lines and principles to measure things, and, because of the trees, they could not see the forest. In the House of Parliament the Report met with the greatest dissatisfaction and though with uncautious solemnity but without much conviction, from Prime Minister down to smallest back-bencher in the ruling party spoke of the inviolability and unalterability of the recommendations of the S.R.C., as if it was a new Bhagvat Gita or revealed text, we disagreed, because it was soon apparent that the recommendations were as away from the right angle of facts as the leaning Tower of Pisa. The storm that broke out in the country after the S.R.C. Report has forced us not to be so uncautiously solemn and categorical as before. We are facing new and more serious problems than before this misfired proposals appeared and our impression is that the Bill in its present form, does not solve the problems raised by them, but seeks refuge in the facile philosophy of letting unpleasant facts sort themselves out through a merciful fate. Situated as we are, neither the Joint Committee nor the Home Ministry can do very much about it, because conflicting party interests within the ruling party itself have had a big hand in the game that has made confusion worse confounded and moves and countermoves are no longer a secret, except to the blind, and the interests of the country as a whole, have received a knock out.

From what we know, there has been neither clear, psychological nor economic approach to the problems by the S.R.C. That is the basis for the tragedy. For instance a particular thesis managed to be sold to the credulous S.R.C. The proposal was that Bombay should be a mosaic "Balanced Bi-lingual State" in the words of its chief architect, Sri S. K. Patil. In itself, not a bad idea. But in order to achieve that a pattern had to be evolved. That pattern necessitated the rather queer idea of separating Vidharba from Maharashtra and making it a tiny little State as compared to the colossuses like U.P. and the new Madhya Pradesh. Tiny Vidharba had to be made a separate State in order to "balance" Maharashtra and Gujerat against each other like two wrestlers in a fight to death and not on the basis of two races cooperating with each other to build up the future India. To have just a tiny Vidharba as the sole example of tininess among the giant States would have been obviously incongruous. So the birth of another tiny State was thought of

by the pattern makers, namely, Telangana. Till three weeks before the S.R.C. was due to arrive in Hyderabad, there was not even an iota of an idea that Telangana should have a separate august existence. The pattern makers gave birth to that idea in utmost secrecy, and the S.R.C. fell for the pattern, hook, line and sinker, without suspecting or recognising the pattern. Once a pattern has been bought as a pup, arguments can be manufactured by the bucketful to fit the occasion, and it never occurred to that august body to vet the facts before accepting them for or against. Once the die had been cast, there was plenty of opportunity to bloster up fictitious theses with plenty of ballyhoo. That the cry for Telangana, for example, should have burgeoned into voice only after the S.R.C. had implanted the idea, after having unwittingly bought the pattern, is a classical example of the paradoxical. That subsequently the Government and, more than that, the pressure of the ruling party high command in a dilemma of internal party upsets, of which we are fully aware, should be so incredibly credulous as to mistake the twitterings of Telangana Tomtits for the war cries of eagles, while at the same time grossly underestimating to the most tragic extent the dour determination and depth of feeling of the Maharashtrians and their objectives is something that passeth all understanding. The feeling is inescapable that the Government is in a quandry about the solution of the Bombay problem. Were all these facts not so tragic, we would have been amused. The problem of the Bombay city is certainly a difficult one. The approach from the beginning has been completely wrong and there is no evidence today that this problem will be solved through pre-fixed ideas. The Committee has been constrained to leave to the Prime Minister to solve it. Our view is that there must be a clear and final solution and no prevarication or vacillation in the matter. Either the Maharashtrians must be told that Bombay city will be under the Centre for all time to come, or after a fixed period the city should go to Maharashtra automatically with necessary guaranteed safeguards. The vague hope if still at the back of the Government's mind, that a bi-lingual State may still be formed with Gujerat and the greater Maharashtra has unfortunately been vitiated by the unskilled approach of the S.R.C. and the Government from the beginning. At least the Maharashtrians will know where they stand once the Government makes up its mind to clearly and finally state things.

The same crude and unpsychological approach to the Punjab problem has had its repercussions. We are gratified that the present formula, though not too excellent, may at least be workable. Thus the sanctified infallibility of the S.R.C. recommendations have

gone overboard under the impact of realities. But the damage has been done and it is for us to mitigate, as much as possible, the excrescences that this unfortunate Report has implanted.

Boundaries

We have been powerless to remedy the burning issue. The idea given us is that in course of time the people between themselves will iron out their differences and adjust their borders mutually. No doubt a splendid idea and a beautiful example of "masterly inactivity" on the part of the Government. Our view is that the S.R.C. should have frankly divided the country on a linguistic basis with all the territories linguistically incorporated and that the minority problem would have thus been reduced to the minimum; for as it is there are settled minorities in every present State. But here, with amazing kaleidoscopy of multitudinous applied principles the S.R.C. has created enclaves and pockets and whole tracts with linguistic minorities, thus creating a perpetual headache with regard to assimilation, administration and many things which will need to divert our attention from our real problem, namely, to settle down to pay our attention to the Plans we have undertaken to carry out. We are told that a boundary commission will keep unrest alive. We do not exactly see how the absence of a boundary commission will lull things to sleep. At least if we had done things on a frank linguistic basis and things started failing, the craze for linguistic States would abate and the State Governments would bear the blame. We regret that under present conditions the blame will be laid at the Centre's door, rightly or wrongly. We have asked for the Centre to unequivocally take Minority affairs under their direct supervision. We are told that the State Governments will feel very hurt, even if most of these State Governments are most lax and uneven in implementing the statutory safeguards mentioned in the Constitution. We feel that the philosophy of "Drift", Inevitability of gradualness" and an imponderable *Laissez Faire* that mask the vacillations of the Centre must cease in the face of stern realities and that one way or another, these problems have to be faced for a definite solution and not left to find their own outlets which may take undesirable channels, Maharashtra being one of them.

In spite of exemplary cooperation that the Joint Committee exhibited to a very high degree, we have been left with the disastrous feeling that in spite of our best endeavours we have not been able to reshape to any tangible extent that monstrously mis-shapen granite block that the S.R.C. has hewn out for us, because we were

given only pen knives and manicure sets and not chisels and sledge hammers to fashion things afresh.

NEW DELHI;
The 14th July, 1956.

N. M. JAISOORYA
V. K. DHAGE

VIII

I am in general agreement with the scheme of reorganisation envisaged by the Bill and with most of its clauses, but there are a few points on which there is fundamental difference and hence this note of dissent:

(1) Clauses 3 to 15 define the boundaries of States in which there is difference of opinion. For example Sirancha Taluqa of Chanda District and 3 or 4 Taluqas and several villages in Raichur District are inhabited by purely Telugu speaking people. The Chairman adopted the correct attitude that a district can be broken up or boundaries altered by mutual agreement of members of the committee representing these areas. As the representatives of Hyderabad and Mysore did not agree it was not settled. Similarly the problem of Kasergode between Mysore and Kerala was not settled. The transfer of a few taluqas and villages from one State to another seems an insignificant matter in the larger context of the problems facing the country, but for the people living in these areas it is a burning problem. I think that it is essential to set up a boundary commission which on the basis of census reports and the material in the hands of the Government, should settle all boundary disputes and fix the boundaries finally. I do not want the commission to go to the areas concerned or take any evidence or consult any persons, but only on the basis of records give its award.

(2) I welcome the zonal councils and would like to enlarge their activities in such a way that they help in the economic and industrial development of the zones. There is great regional disparity in the country. The rich States are becoming richer and the poor States are not making much headway. Only if the resources of a zone are pooled together and special effort is made to develop the backward areas, will any progress be possible. It is surprising that the committee has not given statutory recognition to the zonal councils in the Constitution Amendment Bill, but on the other hand undue importance has been given to regional committees in the States of

Andhra, Punjab and Maharashtra. Some of us were afraid that minorities in other States may also demand similar committees. All the safeguards required by backward areas should be secured by conventions, by the zonal councils and by instructions to the Governors. The regional committees of the M.L.As. may hold up progress of the entire States, if their fair or unfair demands are not met.

(3) It is good that in this Bill the States are divided into A, B and C States, but in the Constitution Amendment Bill this distinction is removed. There is no justification for making Himachal Pradesh, Manipur, Tripura, Andaman Islands, and other islands as Union territory. One can understand that Delhi the political capital of the Union and Bombay the commercial centre of the union is made into Union territories. The Constitution Amendment Bill should have transferred all Union territories except Delhi and Bombay to neighbouring States. Even the administrative set-up of the Union territories of Delhi and Bombay has not been clearly defined. I do not want to elaborate my scheme in this minute of dissent.

(4) The whole system of judicial commissioners should be immediately abolished lock, stock and barrel. All Union territories should be attached to the High Court of any neighbouring State.

(5) A common High Court for Bombay, Maharashtra and Gujerat will not be satisfactory. The clients will be put to great hardship in going upto Bombay and bearing the high cost of advocates and solicitors. Besides, the problem of dividing the court fee between the States will cause friction. The High Courts carry out their orders through the executive of the State Government. With three governments involved, it is possible that a State Government may not carry out the orders of the High Court. There must be separate High Courts for Maharashtra and Gujerat. The union territory of Bombay may be attached to Maharashtra or maintain a separate High Court with reduced number of judges, but there is enough work in Bombay to maintain a High Court.

The Bill is long and complicated and several clauses relating to commercial undertakings, division of assets and liabilities need modification. I have drawn attention to the very salient points only in order to curtail the minute of dissent.

KISHEN CHAND

NEW DELHI;
The 14th July, 1956.

320 G. of I. (Ext.) No 7.

IX

I consider that the Bill as it has emerged from the Joint Committee is a great improvement on the original, and I agree to the Report of the Committee subject to the following observations:

(1) *Boundaries Commission*:

The insertion of the new clause 24 for joint meetings of Zonal Councils is a good one, but it is not good enough to meet the exigencies of the situation involved in the passage of this Bill.

I had repeatedly brought up the question—and I have the assurance that several colleagues of mine in the Committee belonging to every political party shared this view—relating to the imperative necessity for the appointment of a statutory Boundaries Commission to tackle the problems which are residual to those sought to be solved through this Bill. I had always held that Article 3 of the Constitution is insufficient to deal with problems relating to inter-State disputes, and something definitely more than an *ad hoc* arrangement must be made in the Constitution. I estimate there are at least four crores of the citizens of India who belong to the highly inflammable areas constituting border disputes between one State and another. The States Reorganisation Commission, I regret to say, has not tackled this question. I also regret to say that the Report of the Joint Committee also has ignored it.

The problem of border disputes is an ugly problem, and because it is ugly it should not be neglected. I still believe that Parliament, in its wisdom, would take up this question, and enable the country to have the necessary statutory apparatus for the resolution of these numerous border disputes between State and State in this country. It has been stated that whenever there is agreement between one State and another regarding these border disputes the way is open for the reorganisation of boundaries. This is an attitude which, I regret to say, is tantamount to asking the disputants to solve the problem themselves—a highly impossible course, even as the failure of the negotiations of the past three years between the Andhra and Madras State Governments to resolve border disputes pending between them has clearly demonstrated. To merely depend upon the work of the Zonal Councils even in terms of the new clause 24 of the Bill will be extremely insufficient.

(2) *Linguistic Minorities Board*:

I have to state that paragraph 55 of the Report of the Joint Committee on this highly important question is unsatisfactory. No citizen of India would ask for the accentuation of "friction between the

major and minor language groups" or would ask for "any encroachment on the autonomy of the States". The Constitution specifically provides for Parliament to guarantee minority rights, *e.g.,* Article 347. The President is charged with the sacred task of ensuring that linguistic minorities are not crushed under in any particular area. There are numerous parts of the country where linguistic minorities are today given, as a result of administrative action, a sort of secondary citizenship, which is not only objectionable in principle but which militates against the provisions of the Constitution. I am not satisfied with the suggested appointment of a Special Officer to look after the needs of the linguistic minorities. The real problem is that Parliament must have an opportunity of discussing the disabilities, as and when they arise, of these linguistic minorities, and for this a statutory provision seems urgently called for. I am certain that Parliament, in its wisdom, would make provision for this.

LANKA SUNDARAM

NEW DELHI;
The 15th July, 1956.

X

Absence of Linguistic Minority Safeguards

I append this minute of dissent, in a mood not only of disappointment but of sadness. I wish to draw pointed attention to the fact that the States Reorganisation Bill and the Constitution (Ninth Amendment) Bill are both disfigured by the complete absence of a single guarantee or safeguard for the linguistic minorities. I use the words "guarantee" or "safeguard" advisedly. A guarantee or safeguard carries the implication of the recognition of a right which is enforceable. In both the Bills there is not a single sanction or a single enforceable provision given to the linguistic minorities.

The Prime Minister, the Home Minister, the Congress Working Committee, the A.I.C.C. have repeatedly proclaimed, in recent months, the need for ample and generous guarantees to the linguistic minorities.

The absence of a single guarantee or safeguard on behalf of the linguistic minorities marks a sad gap between promise and performance and is a challenge to the conscience of the Government. This lacuna underlines, I submit with respect, the inability of those in power or of those belonging to majority groups to understand the real fears, born of bitter experience, of linguistic minorities. Promises and paper assurances which have no legal or executive sanction are

poor comfort to those who, in their day-to-day lives, come up against the stark and cruel realities of discrimination and oppression.

It might be said by Government, in reply, that two provisions have been included for the protection of linguistic minorities—the provision for Zonal Councils contained in clause 23 of the S. R. Bill and the provision for Minority education in clause 21 of the Constitution (Ninth Amendment) Bill. I do not wish to decry these provisions but in the final analysis neither of these provisions is a guarantee or a safeguard. Even a cursory examination of these provisions shows this.

The linguistic minorities are one of the subjects which fall within the purview of Zonal Councils. I am glad that the phraseology was changed by the Joint Committee so that any matter affecting the linguistic minorities will be within the purview of a Zonal Council. Under the original language only those matters, concerning linguistic minorities, which arise out of the reorganisation of the States were within the competence of Zonal Councils. Even with this change, nowever, what is the effect of this provision? A Zonal Council shall be an advisory body. There are absolutely no legal or executive teeth in this provision. Even if a linguistic minority right is raised in a Zonal Council the State concerned can refuse to attend the meeting. If it condescends to attend, it can treat with undisguised contempt even the unanimous finding of the other member States of the Council. Zonal Councils will be helpless to bring an errant State to order or to prevent the open oppression of a linguistic minority. The provision that Zonal Councils can consider linguistic minority questions is thus not a guarantee or safeguard. This provision suffers from the further defect that only those minorities with political influence will be able to have matters raised in Zonal Councils. Thus the Bengali minority in Bihar will be able to agitate its rights, only because the Bengalis are in a majority in Bengal. The same will apply to the Bihari minority in Bengal. But a minority without political influence in any State will have to suffer in silence.

Clause 21 of the Constitution (Ninth Amendment) Bill provides the insertion of a new article 350A to read as follows:

> "350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities."

This provision is also of an advisory character. All it says is that it shall be the endeavour of a State to do a certain thing. We are aware that article 45 of the Directive Principles of the Constitution has provided, using identical language, that it shall be the endeavour of a State to provide, within a period of 10 years from the commencement of the Constitution free and compulsory education. The ten years are nearing completion, yet not a single State has been able to implement this directive of the Constitution. Of course, this has been due to lack of financial resources. Similarly, with regard to this new provision, the States are bound to plead that they just cannot provide primary education in the mother-tongue to linguistic minorities because they have not got the means.

In this provision there is no obligation on the part of a State to provide primary education. The linguistic minorities might have to wait several decades, at least, before this "endeavour" becomes a reality.

Thus the only two provisions, one in the States Reorganisation Bill and the other in the Constitution Amendment Bill, are purely advisory and not in the nature of a guarantee or safeguard.

Yet the States Reorganisation Commission considered the problem of the linguistic minorities important and serious enough to devote a whole chapter to it—Chapter I of Part IV of the Report entitled "Safeguards for Linguistic Minorities" (pages 205-216). The Commission has, in this chapter, recorded the fact that it received numerous complaints that linguistic minorities suffered from cultural oppression and economic exploitation. The Commission gave the examples of arbitrary domiciliary qualification and language tests for recruitment to the services adopted by certain States with the intention of striking at certain minorities.

The Commission drew attention to the fact that it was strongly urged before it that even the safeguards for minorities, embodied in the Constitution, have proved inadequate and ineffective against the cultural oppression of linguistic minorities and their economic exploitation.

After giving thought to the matter the Commission categorically recommended that the Central Government must be responsible for linguistic minorities. I quote relevant extracts from the Commission's Report. At page 215 the Commission observes:

> "There is no reason, however, why the Governor should not function as an agent of the Central Government in regard to a matter which is of national concern. There is nothing anti-democratic about such an arrangement,

because the Central Government will be responsible to the Union Parliament for functions performed by the Governor as its agent. It will amount only to supervision by the larger democracy over the smaller democracies in respect of matters of national concern."

At page 216, the Commission says, definitely:

"The decision of the Central Government should be issued as a directive from the President."

It is thus abundantly clear that the Commission categorically recommended that the Centre must be responsible for the linguistic minorities, that the Centre should be responsible to Parliament in this matter and that, in the final analysis, directives should be issued through the President which directives shall be binding on the States.

In the Joint Committee there was a strong feeling that the Governor would not be the appropriate agency through which the Central Government should act. In my opinion the Governor, as a Constitutional head, should not be embarrassed by bringing him into likely conflict with his State Government. It may also be emphasised that by making him the agency in the State to protect minority interests, he would be constantly approached by minorities with grievances against the State, which would further embarrass his position. Further, Governors, who have become accustomed to acting as constitutional heads, would refrain from taking appropriate action even in a case of palpable injustice, because they would be loath to provoke a conflict with the State Ministry. I know that the Instruments of Instructions issued under the 1935 Act, for the protection of minorities, to Governors, who were in the habit of exercising independent and even arbitrary powers, were usually ignored. The reluctance of Governors, even in the days when they were disposed to set one Community against another, to act, made the minorities stigmatise these grandiose but still-born Instruments of Instruction as Instruments of Destruction.

The most serious objection to a Governor acting as the agent of the Centre, under the machinery contemplated by the States Reorganisation Commission, is that when a Governor refuses to move, the Centre will not be seized of the matter and will not therefore be able to issue the necessary directives.

There was strong support in the Joint Committee for a Statutory Minorities Board appointed by the President. The Board might place its report, at such intervals as the President may direct, before Parliament and after the report is debated by Parliament the necessary directives would issue. The argument of the S. R. Commission that a Statutory Board would encourage minorities to look beyond their borders is, I submit with respect, a political cliche which is a hangover from the thinking in the context of the old religious minorities problem. It is an argument which has no validity as the Commission itself has accepted the principle of a Central Agency. It is impossible to reconcile this principle with the argument that a Statutory Minorities Board will encourage minorities to look beyond their States. If this is a valid argument, then the Government should not have remitted the question of linguistic minorities to Zonal Councils. The provision in respect of Zonal Councils is almost certain to encourage linguistic minorities to look beyond their borders, in a reactionary and anti-national way. Thus a section of persons, who are a minority in one State, such as the Bengalis in Bihar may, under the Zonal Council scheme, be encouraged to look to the majority in the adjoining State. In fact, the majority in one State may encourage the minority in the adjoining State to make all manner of exaggerated claims and complaints. Thus I can envisage a period of irredentism as between certain States in a Zonal Council. A Central Agency will be the most salutary check to this kind of process and to minorities being encouraged by majorities, across the border, into making extravagant and impossible demands.

It has also to be remembered that the Commission made its recommendations for minority safeguards when it had no conception of the violent and even vicious turn linguistic passions would assume in certain areas.

I submit, with respect, that the Government cannot run away from the disagreeable facts of reorganisation.

In my consistent opposition to linguistic reorganisation of the States, I had underlined the certainty of the consequences which have overtaken the Country. Thus Government cannot disclaim responsibility for the tribal passions and linguistic hatreds which have been aroused. Not only have so many more linguistic minorities been gratuitously created, but, for a considerable period of time, in certain areas, they will be reduced to a position of political, cultural and economic helotry. And the Centre alone has the capacity, as it has the duty, to attempt to qualify these conditions of helotry by assuming direct responsibility for the linguistic minorities. The Commission has recognised the principle that the linguistic minorities are of

national concern. If the minorities are of national concern, they must be the concern of the Centre. And the Centre can only discharge that concern, if it has powers to intervene where necessary.

There is no question of encouraging the minorities to look to the Centre. They have the right to look to the Centre as the ultimate custodian of their interests. In my opinion the Centre would only have discharged its duty by accepting, in the present context, a provision for a Ministry for linguistic minorities. This has not been done. The lesser provision of a Statutory Minorities Board has also been rejected.

I regret to say that even the proposal for a Commissioner for linguistic minorities, appointed by the President, was rejected. The proposal envisaged the inclusion of a constitutional provision according to which there would be a Commissioner for linguistic minorities, appointed by the President, who would place his report before Parliament at such intervals as the President may direct; after this report is debated in Parliament, the Centre would issue such directives as it deemed necessary. In spite of the assurances of Government to provide ample and generous guarantees for the minorities, in spite of the recommendation of the S. R. Commission for the setting up of a Central Agency for the protection of linguistic minorities, even this diluted proposal for a Minorities Commissioner was found unacceptable.

Finally, at least a simple provision giving the President powers to issue directives to the States on behalf of the linguistic minorities should have been accepted as the S. R. Commission had specifically recommended that the President must be given powers to issue directives on behalf of the linguistic minorities. If the President is to have powers to issue directives, as recommended by the S. R. Commission, then there must be a specific provision in the Constitution. The whole scheme of our Constitution makes this abundantly clear. There is no provision in our Constitution requiring the President to take care that the laws are faithfully exercised, as there is in the American Constitution. Article 257 only gives power to issue directives to the States to ensure that the executive power of the 'Union' is not impeded. Article 339(2) clearly underlines the principle that the President can issue directives on behalf of the Scheduled Castes and Tribes, since this power is specifically provided. Article 353 shows that even in the case of an emergency powers to the President to issue directives have been specifically given.

All that the report, as it has emerged from the Joint Committee, now envisages is that the good offices of the Governors should be used on behalf of the linguistic minorities. This is completely different from and, in fact, opposed to the recommendation of the S.R. Commission. The Commission had recommended a specific safeguard and the taking of specific powers by the Centre to issue directive to the States. This can only be done by setting up the machinery and giving the powers through a specific provision in the Constitution. There is also a suggestion in the report that the question of appointing a Minorities Commissioner will be examined. Even if a Commissioner is appointed, he will be utterly useless to the minorities, as he will have no statutory position and the Centre will not be empowered to issue directives to the State on his recommendations.

I submit, with respect, that I cannot resist the conclusion that the assurances of the Government to the linguistic minorities, the recommendations of the S.R. Commission, the strong feeling in the Joint Committee have all been ignored because of some theory of State Autonomy. The crux of Government's opposition to any real safeguard appears to consist in thesis that such a safeguard, with powers to the President to issue directives, will be an encroachment on State Autonomy. I submit, with the greatest respect, that this approach is completely fallacious and indefensible. It is absolutely correct that the minorities must learn to look to and live among the majority in that particular State. But when we recognise that the minorities have all manner of difficulties, that these difficulties will be accentuated a hundred-fold because of the linguistic passions that have been aroused, we must provide adequate machinery at the Centre for their ultimate protection.

In the final analysis, the S.R. Commission itself has recognised that the minorities are of national concern. They are not exclusively the concern of the States. The Centre has an inescapable duty to look after the minorities. The minorities have an inalienable right to look to the Centre.

Parliament, also, has an inescapable duty to look after the minorities. And Parliament is the best qualified democratic machinery to ensure justice to the minorities. The provincial and regional prejudices which often bedevil State Legislature are usually absent from Parliament. Because Parliament is a cross section of the whole Country it is in the best position to take an objective view of minority problems.

Finally, surely Parliament and the Central Government can be trusted to exercise their powers with discretion. The Central Government will obviously only issue a directive to a State when the State is clearly in error and refuses to do justice to a minority.

The inclusion of a provision in the Constitution giving a linguistic minority the right to affiliate educational institutions, administered by it, to a recognised examination, in the language of that minority in any part of the Country is necessary. I consider that such a provision is a natural corollary to the fundamental right, provided in Art. 30(1) of the Constitution giving minorities the right to establish and administer educational institutions of their choice. I have to point out, with regret, that certain minority languages are particularly exposed to deliberate oppression and discrimination. Thus because of the continuing memories of foreign rule the lingering resentment against the Englishman is often transposed against English, which happens to be the language of the Anglo-Indian Community. Thus there have been attempts, in some States, to destroy the schools of the Anglo-Indian Community, because they are the main purveyors of the English medium. In other States insidious policies to undermine or stifle these schools are current.

In the same way we know, and those of us who are honest will admit, that the justifiable resentment against Pakistan's policies has, in certain States transposed itself against Urdu. Urdu, which should be nurtured as part of the rich and varied language heritage of the Country, has in some States been an object of language vendetta.

Although States may not be able to provide education, even at the primary stage, to linguistic minorities, I want this further provision, at least to prevent States from destroying educational institutions which a linguistic minority may itself provide.

I am grateful for the small mercy that Government agreed that this provision, which the Joint Committee considered desirable, may, after examination of the Central Education Ministry, be put into the Home Ministry circular to be issued to the States. This Home Ministry circular is salutary in indicating the good intentions of the Central Government. But this circular and these intentions will suffer from the vital defect present in all the Central Government proposals. They will only constitute advice. As guarantees and safeguards they are utterly valueless. They will not have a single sanction either statutory or executive. The Central Government will be powerless to prevent a State from deliberately flouting its advice and from deliberately oppressing a linguistic minority.

I submit, with respect, that in rejecting the several proposals made, in rejecting the specific recommendation of the S.R. Commission that the Centre must take powers to issue directives to the States on behalf of the linguistic minorities, the Government has not only not been generous, it has not been just.

NEW DELHI; FRANK ANTHONY
The 15th July, 1956.

THE STATES REORGANISATION BILL, 1956

(AS AMENDED BY THE JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments made by the Joint Committee; asterisks indicate omissions).

BILL NO. 30-B OF 1956

A Bill to provide for the reorganisation of the States of India and for matters connected therewith

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be called the States Reorganisation Act, 1956.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 1st day of October, 1956;

(b) "article" means an article of the Constitution;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950; 43 of 1950.

(d) "corresponding new State" means, in relation to the existing State of Madhya Pradesh, Mysore, Punjab or Rajasthan, the new State with the same name, and in relation to the existing State of Travancore-Cochin, the new State of Kerala;

(e) "corresponding State" means, in relation to the new State of Madhya Pradesh, Mysore, Punjab or Rajasthan, the existing State with the same name, in relation to the new State of Gujarat or Maharashtra, the existing State of Bombay, and in relation to the new State of Kerala, the existing State of Travancore-Cochin;

(*f*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*g*) "existing State" means a State specified in the First Schedule to the Constitution at the commencement of this Act;

(*h*) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the territory of India;

(*i*) "new State" means a Part A State formed by the provisions of Part II;

(*j*) "notified order" means an order published in the Official Gazette;

(*k*) "population ratio", in relation to the successor States of an existing State, means such ratio as the Central Government may by notified order specify to be the ratio in which the population of that existing State as ascertained at the last census is distributed territorially among the several successor States by virtue of the provisions of Part II;

(*l*) "prescribed" means prescribed by rules made under this Act;

(*m*) "principal successor State" means—

(*i*) in relation to the existing State of Madhya Pradesh, Madras or Rajasthan, the State with the same name; and

(*ii*) in relation to the existing States of Bombay, Hyderabad, Madhya Bharat and Travancore-Cochin, the States of Maharashtra, Andhra Pradesh, Madhya Pradesh and Kerala, respectively;

(*n*) "sitting member" in relation to either House of Parliament or of the Legislature of a State means a person who immediately before the appointed day is a member of that House;

(*o*) "successor State", in relation to an existing State, means any State to which the whole or any part of the territories of that existing State is transferred by the provisions of Part II, and includes—

(*i*) in relation to the existing State of Madras, also that State as territorially altered by the said provisions; and

(*ii*) in relation to the existing State of Bombay or Madras a part of whose territories becomes a Part C State, also the Union;

(p) "transferred territory" means any territory transferred from an existing State to another existing State or to a new State by the provisions of Part II;

(q) "treasury" includes a sub-treasury; and

(r) any reference to a district, taluk, tahsil or other territorial division of a State shall be construed as a reference to the area comprised within that territorial division on the 1st day of July, 1956.

PART II

TERRITORIAL CHANGES AND FORMATION OF NEW STATES

Transfer of territory from Hyderabad to Andhra and alteration of name.

3. (1) As from the appointed day, there shall be added to the State of Andhra the territories comprised in—

(a) the districts of Hyderabad, Medak, Nizamabad, * * Karimnagar, Warangal, Khammam, Nalgonda and Mahbubnagar;

(b) Alampur and Gadwal taluks of Raichur district and Kodangal taluk of Gulbarga district;

(c) Tandur taluk of Gulbarga district;

(d) Zahirabad taluk (except Nirna circle), Nyalkal circle of Bidar taluk and Narayankhed taluk of Bidar district;

(e) Bichkonda and Jukkal circles of Deglur taluk of Nanded district;

(f) Mudhol, Bhiansa and Kuber circles of Mudhol taluk of Nanded district; and

(g) Adilabad district except Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk;

and thereupon the said territories shall cease to form part of the existing State of Hyderabad and the State of Andhra shall be known as the State of Andhra Pradesh.

(2) The territories referred to in clauses (b), (c), (d), (e) and (f) of sub-section (1) shall be included in, and become part of, Mahbubnagar, Hyderabad, Medak, Nizamabad and Adilabad districts, respectively, in the State of Andhra Pradesh.

Transfer of territory from Travancore-Cochin to Madras.

4. As from the appointed day, there shall be added to the State of Madras the territories comprised in the Agastheeswaram, Thovala, Kalkulam and Vilavancode taluks of Trivandrum district and the Shencottah taluk * * * * of Quilon district; and thereupon the said territories—

(a) shall cease to form part of the existing State of Travancore-Cochin, and

(*b*) shall be included in, and become part of, Tirunelveli district in the State of Madras.

For mation of Kerala State.

5. (*1*) As from the appointed day, there shall be formed a new Part A State to be known as the State of Kerala comprising the following territories, namely:—

(*a*) the territories of the existing State of Travancore-Cochin, excluding the territories transferred to the State of Madras by section 4; and

(*b*) the territories comprised in—

(*i*) Malabar district, excluding the islands of Laccadive and Minicoy, and

(*ii*) Kasaragod taluk of South Kanara district;

and thereupon the said territories shall cease to form part of the States of Travancore-Cochin and Madras, respectively.

(2) The territories specified in clause (*b*) of sub-section (*1*) shall form a separate district to be known as Malabar district in the State of Kerala.

Laccadive, Minicoy and Amindivi Islands.

6. As from the appointed day, there shall be formed a new Part C State to be known as the Laccadive, Minicoy and Amindivi Islands comprising the Laccadive and Minicoy Islands in the Malabar district and the Amindivi Islands in the South Kanara district; and thereupon the said Islands shall cease to form part of the existing State of Madras.

Formation of a new Mysore State.

7. (*1*) As from the appointed day, there shall be formed a new Part A State to be known as the State of Mysore comprising the following territories, namely:—

(*a*) the territories of the existing State of Mysore;

(*b*) Belgaum district except Chandgad taluka and Bijapur, Dharwar and Kanara districts, in the existing State of Bombay;

(*c*) Gulbarga district except Kodangal and Tandur taluks, Raichur district except Alampur and Gadwal taluks, and Bidar district except Ahmadpur, Nilanga and Udgir taluks and the portions specified in clause (*d*) of sub-section (*1*) of section 3, in the existing State of Hyderabad;

(*d*) South Kanara district except Kasaragod taluk and Amindivi Islands, and Kollegal taluk of Coimbatore district, in the State of Madras; and

(*e*) the territories of the existing State of Coorg;

and thereupon the said territories shall cease to form part of the said existing States of Mysore, Bombay, Hyderabad, Madras and Coorg, respectively.

(2) The territory comprised in the existing State of Coorg shall form a separate district to be known as Coorg district, * * * * and the said Kollegal taluk shall be included in, and become part of, Mysore district, in the new State of Mysore.

Bombay.

8. As from the appointed day, there shall be formed a new Part C State to be known as the State of Bombay comprising the following territories, namely:—

(a) Greater Bombay, * *

(b) Borivali taluka of Thana district, except the villages of Bhayandar, Dongri, Ghod Bunder, Kashi, Mire, Rai Murdhe and Uttan, and

(c) the villages of * * Mulund and Nahur * * in Thana taluka of Thana district,

and thereupon the said territories shall cease to form part of the existing State of Bombay. * *

Formation of Maharashtra State.

9. (1) As from the appointed day, there shall be formed a new Part A State to be known as the State of Maharashtra comprising the following territories, namely:—

(a) Thana district except the portions specified in clauses (b) and (c) of section 8, West Khandesh, East Khandesh, Nasik, Dangs, Ahmednagar, Sholapur, South Satara, North Satara, Kolhapur, Ratnagiri, Kolaba and Poona districts, and Chandgad taluka of Belgaum district, in the existing State of Bombay;

(b) Aurangabad, Parbhani, Bhir and Osmanabad districts, Ahmadpur, Nilanga and Udgir taluks of Bidar district, Nanded district except Bichkonda and Jukkal circles of Deglur taluk and Mudhol, Bhiansa and Kuber circles of Mudhol taluk, and Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk of Adilabad district, in the existing State of Hyderabad; and

(c) Buldana, Akola, Amarvati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts in the existing State of Madhya Pradesh;

and thereupon the said territories shall cease to form part of the existing States of Bombay, Hyderabad and Madhya Pradesh, respectively.

(2) The said Chandgad taluka shall be included in, and become part of, Kolhapur district. * the said Ahmadpur, Nilanga and Udgir taluks shall be included in, and become part of, Osmanabad district, and the said Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk shall be included in, and become part of, Nanded district, in the State of Maharashtra.

Formation of Gujarat State.

10. (*1*) As from the appointed day, there shall be formed a new Part A State to be known as the State of Gujarat comprising the following territories, namely:—

(*a*) Banaskantha district except Abu Road taluka, and Amreli, Mehsana, Sabarkantha, Ahmedabad, Kaira, Panchmahals, Baroda, Broach and Surat districts, in the existing State of Bombay;

(*b*) the territories of the existing State of Saurashtra; and

(*c*) the territories of the existing State of Kutch;

and thereupon the said territories shall cease to form part of the existing States of Bombay, Saurashtra and Kutch, respectively.

(*2*) The territory comprised in the existing State of Kutch shall form a separate district to be known as Kutch district, in the State of Gujarat.

Formation of a new Madhya Pradesh State.

11. (*1*) As from the appointed day, there shall be formed a new Part A State to be known as the State of Madhya Pradesh comprising the following territories, namely:—

(*a*) the territories of the existing State of Madhya Pradesh, except the districts mentioned in clause (*c*) of sub-section (*1*) of section 9;

(*b*) the territories of the existing State of Madhya Bharat, except Sunel tappa of Bhanpura tahsil of Mandsaur district;

(*c*) Sironj sub-division of Kotah district in the existing State of Rajasthan;

(*d*) the territories of the existing State of Bhopal; and

(*e*) the territories of the existing State of Vindhya Pradesh;

and thereupon the said territories shall cease to form part of the existing States of Madhya Pradesh, Madhya Bharat, Rajasthan, Bhopal and Vindhya Pradesh, respectively.

(*2*) The said Sironj sub-division shall be included in, and become part of, Bhilsa district in the new State of Madhya Pradesh.

Formation of a new Rajasthan State.

12. (*1*) As from the appointed day, there shall be formed a new Part A State to be known as the State of Rajasthan comprising the following territories, namely:—

(*a*) the territories of the existing State of Rajasthan, except Sironj sub-division of Kotah district;

(*b*) the territories of the existing State of Ajmer;

(*c*) Abu Road taluka of Banaskantha district in the existing State of Bombay; and

(*d*) Sunel tappa of Bhanpura tahsil of Mandsaur district in the existing State of Madhya Bharat;

and thereupon the said territories shall cease to form part of the said States of Rajasthan, Ajmer, Bombay and Madhya Bharat, respectively.

(*2*) The territories comprised in the existing State of Ajmer shall form a separate district to be known as Ajmer district, and the territories referred to in clauses (*c*) and (*d*) of sub-section (*1*) shall be included in, and become part of, Sirohi and Jhalawar districts, respectively, in the new State of Rajasthan.

Formation of a new Punjab State.

13. As from the appointed day, there shall be formed a new Part A State to be known as the State of Punjab comprising the following territories, namely:—

(*a*) the territories of the existing State of Punjab; and

(*b*) the territories of the existing State of Patiala and East Punjab States Union;

and thereupon the said territories shall cease to form part of the said existing States of Punjab and Patiala and East Punjab States Union, respectively.

Amendment of the First Schedule to the Constitution.

14. As from the appointed day, in the First Schedule to the Constitution, for Part A, Part B and Part C, the following Parts shall be substituted, namely:—

"PART A

Name	Territories
1. Andhra Pradesh . .	The territories specified in sub-section (*1*) of section 3 of the Andhra State Act, 1953 and the territories specified in sub-section (*1*) of section 3 of the States Reorganisation Act, 1956.
2. Assam	The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951.

Name	Territories.
3. Bihar	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province.
4. Gujarat . . .	The territories specified in sub-section (1) of section 10 of the States Reorganisation Act, 1956.
5. Kerala	The territories specified in sub-section (1) of Section 5 of the States Reorganisation Act, 1956.
5. Madhya Pradesh . .	The territories specified in sub-section (1) of section 11 of the States Reorganisation Act, 1956.
7. Madras. .	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956.
8. Maharashtra . . .	The territories specified in sub-section (1) of section 9 of the States Reorganisation Act, 1956.
9. Mysore. . . .	The territories specified in sub-section (1) of section 7 of the States Reorganisation Act, 1956.
10. Orissa	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Orissa or were being administered as if they formed part of that Province.
11. Punjab . . .	The territories specified in section 13 of the States Reorganisation Act, 1956.
12. Rajasthan . . .	The territories specified in section 12 of the States Reorganisation Act, 1956.

Name	Territories
13. Uttar Pradesh . .	The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province.
14. West Bengal . .	The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (*c*) of section 2 of the Chandernagore (Merger) Act, 1954.

PART B

Name	Territory
1 Jammu and Kashmir .	The territory which immediately before the commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir.

PART C

Name	Territory
1. Bombay . . .	The territory specified in section 8 of the States Reorganisation Act, 1956.
2. Delhi	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of Delhi.
3. Himachal Pradesh .	The territories which immediately before the commencement of the Himachal Pradesh and Bilaspur (New State) Act, 1954, were comprised in the States of Himachal Pradesh and Bilaspur.
4. Manipur . . .	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Manipur.
5. Tripura . . .	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura.
6. The Laccadive, Minicoy and Amindivi Islands.	The territory specified in section 6 of the States Reorganition Act, 1956.

Saving powers of State Governments.

15. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of a State Government to alter after the appointed day the name, extent and boundaries of any district or division in the State.

PART III

ZONES AND ZONAL COUNCILS

Definition.

16. In this Part, unless the context otherwise requires, "State" does not include a Part C State.

Establishment of Zonal Councils.

17. As from the appointed day, there shall be a Zonal Council for each of the following five zones, namely:—

(a) the Northern Zone, comprising the States of Punjab, Rajasthan and Jammu and Kashmir and the Part C States of Delhi and Himachal Pradesh;

(b) the Central Zone, comprising the States of Uttar Pradesh and Madhya Pradesh;

(c) the Eastern Zone, comprising the States of Bihar, West Bengal, Orissa and Assam, and the Part C States of Manipur and Tripura;

(d) the Western Zone, comprising the States of Maharashtra and Gujarat and the Part C State of Bombay; and

(e) the Southern Zone, comprising the States of Andhra Pradesh, Madras, Mysore and Kerala.

Composition of the Councils.

18. (1) The Zonal Council for each zone shall consist of the following members, namely:—

(a) a Union Minister to be nominated by the President;

(b) the Chief Minister of each of the States included in the zone and two other Ministers of each such State to be nominated by the Sadar-i-Riyasat, in the case of Jammu and Kashmir, and by the Governor, in any other case, and if there is no Council of Ministers in any such State, three members from that State to be nominated by the President;

(c) where any Part C State is included in the zone, not more than two members from each such State to be nominated by the President;

(d) in the case of the Eastern Zone, the person for the time being holding the office of the Adviser to the Governor of Assam for Tribal Areas.

(2) The Union Minister nominated under clause (*a*) of sub-section (*1*) to a Zonal Council shall be its Chairman.

(*3*) The Chief Ministers of the States included in each zone shall act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time:

Provided that if during that period there is no Council of Ministers in the State concerned, such member from that State as the President may nominate in this behalf shall act as Vice-Chairman of the Zonal Council.

(*4*) The Zonal Council for each zone shall have the following persons as Advisers to assist the Council in the performance of its duties, namely:—

(*a*) one person nominated by the Planning Commission;

(*b*) the Chief Secretary to the Government of each of the States included in the Zone; and

(*c*) the Development Commissioner or any other officer nominated by the Government of each of the States included in the Zone.

(*5*) Every Adviser to a Zonal Council shall have the right to take part in the discussions of the Council or of any Committee thereof of which he may be named a member but shall not have a right to vote at a meeting of the Council or of any such Committee.

Meetings of the Council

19. (*1*) Each Zonal Council shall meet at such time as the Chairman of the Council may appoint in this behalf and shall, subject to the other provisions of this section, observe such rules of procedure in regard to transaction of business at its meetings as it may, with the approval of the Central Government, lay down from time to time.

(2) The Zonal Council for each zone shall, unless otherwise determined by it, meet in the States included in that zone by rotation.

(*3*) The Chairman or in his absence the Vice-Chairman or in the absence of both the Chairman and the Vice-Chairman, any other Member chosen by the members present from amongst themselves shall preside at a meeting of the Council.

(*4*) All questions at a meeting of a Zonal Council shall be decided by a majority of votes of the members present and in the case of an equality of votes the Chairman or, in his absence any other person presiding shall have a second or casting vote.

(5) The proceedings of every meeting of a Zonal Council shall be forwarded to the Central Government and also to each State Government concerned.

Power to appoint Committees.

20. (1) A Zonal Council may from time to time by resolution passed at a meeting appoint Committees of its members and Advisers for performing such functions as may be specified in the resolution and may associate with any such Committee, such Ministers either for the Union or for the States and such officers serving either in connection with the affairs of the Union or of the States as may be nominated in that behalf by the Council.

(2) A person associated with a Committee of a Zonal Council under sub-section (1) shall have the right to take part in the discussions of the Committee, but shall not have a right to vote at a meeting thereof.

(3) A Committee appointed under sub-section (1) shall observe such rules of procedure in regard to transaction of business at its meetings as the Zonal Council may, with the approval of the Central Government, lay down from time to time.

Staff of the Council.

21. (1) Each Zonal Council shall have a secretarial staff consisting of a Secretary, a Joint Secretary and such other officers as the Chairman may consider necessary to appoint.

(2) The Chief Secretaries of the States represented in such Council shall each be the Secretary of the Council by rotation and hold office for a period of one year at a time.

(3) The Joint Secretary of the Council shall be chosen from amongst officers not in the service of any of the States represented in the Council and shall be appointed by the Chairman.

Office of the Council.

22. (1) The office of the Zonal Council for each zone shall be located at such place within the zone as may be determined by the Council.

(2) **The administrative expenses of the said office, including the salaries and allowances payable to or in respect of members of the secretarial staff of the Council other than the Secretary, shall be borne by the Central Government out of monies provided by Parliament for the purpose.**

Functions of the Council.

23. (1) Each Zonal Council shall be an advisory body and may discuss any matter in which some or all of the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central

Government and the Government of each State concerned as to the action to be taken on any such matter.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), a Zonal Council may discuss, and make recommendations with regard to,—

(a) any matter of common interest in the field of economic and social planning;

(b) any matter concerning border disputes, linguistic minorities or inter-State transport; and

(c) any matter connected with, or arising out of, the reorganisation of the States under this Act.

Joint meetings of Zonal Councils.

24. (1) Where it is represented to the Zonal Council for any zone that a matter in which a State included in that zone and one or more States included in any other zone or zones have a common interest should be discussed at a joint meeting, it shall be lawful for the Zonal Councils concerned—

(a) to meet at such time and place as the Chairmen thereof may, in consultation with each other, appoint in this behalf; and

(b) to discuss the said matter at such joint meeting and make recommendations to the Governments concerned as to the action to be taken on that matter.

(2) The Central Government may make rules for regulating the procedure at joint meetings of the Zonal Councils.

PART IV

REPRESENTATION IN THE LEGISLATURES

The Council of States

Amendment of the Fourth Schedule to the Constitution.

25. As from the appointed day, in the Fourth Schedule to the Constitution, for the Table of Seats, the following Table shall be substituted, namely:—

"Table of Seats

1. Andhra Pradesh	18
2. Assam	6
3. Bihar	21
4. Gujarat	11
5. Kerala	9
6. Madhya Pradesh	16

7. Madras	17
8. Maharashtra	17
9. Mysore	12
10. Orissa	9
11. Punjab	11
12. Rajasthan	10
13. Uttar Pradesh	31
14. West Bengal	14
15. Jammu and Kashmir	4
16. Bombay	5
17. Delhi	1
18. Himachal Pradesh	1
19. Manipur 20. Tripura	1
	214".

A location of sitting members in the Council of States.

26. (*1*) The twelve sitting members representing the State of Andhra Pradesh and such six of the eleven sitting members representing the State of Hyderabad as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill the eighteen seats allotted to the State of Andhra Pradesh.

(*2*) Such six of the seventeen sitting members representing the existing State of Bombay as the Chairman shall by order specify and the five sitting members representing the States of Saurashtra and Kutch shall, as from the appointed day, be deemed to have been duly elected to fill the eleven seats allotted to the State of Gujarat.

(*3*) Such five of the six sitting members representing the State of Travancore-Cochin and such three of the eighteen sitting members representing the State of Madras as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill eight of the nine seats allotted to the State of Kerala.

(*4*) The eleven sitting members representing the States of Bhopal, Madhya Bharat and Vindhya Pradesh and such five of the twelve sitting members representing the State of Madhya Pradesh as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill the sixteen seats allotted to the new State of Madhya Pradesh.

(5) Such one of the six sitting members representing the State of Travancore-Cochin as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill one of the seats allotted to the State of Madras.

(6) Such seven of the twelve sitting members representing the State of Madhya Pradesh, such seven of the seventeen sitting members representing the State of Bombay, and such three of the eleven sitting members representing the State of Hyderabad, as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill the seventeen seats allotted to the State of Maharashtra.

(7) The six sitting members representing the State of Mysore, and such two of the seventeen sitting members representing the State of Bombay, such one of the eighteen sitting members representing the State of Madras and such two of the eleven sitting members representing the State of Hyderabad, as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill eleven of the twelve seats allotted to the new State of Mysore.

(8) The eleven sitting members representing the existing States of Punjab and Patiala and East Punjab States Union shall, as from the appointed day, be deemed to have been duly elected to fill the eleven seats allotted to the new State of Punjab.

(9) The nine sitting members representing the State of Rajasthan and the sitting member representing the States of Ajmer and Coorg shall, as from the appointed day, be deemed to have been duly elected to fill the ten seats allotted to the new State of Rajasthan.

(10) Such two of the seventeen sitting members representing the existing State of Bombay as the Chairman shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill two of the five seats allotted to the Part C State of Bombay.

* * * *

(11) In this section, "Chairman" means the Chairman of the Council of States.

Bye-elections to fill vacancies.

27. As soon as may be after the appointed day, bye-elections shall be held to fill the vacancies existing on the appointed day in the seats allotted to the States of Kerala, Madras and Mysore and to the Part C State of Bombay.

Term of office of members.

28. In order that, as nearly as may be, one-third of the members may retire on the 2nd day of April, 1958, and on the expiration of every second year thereafter, the President shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under section 27 and such modifications as he thinks fit in the terms of office of any of the sitting members.

The House of the People

Provision as to existing House.

29. Nothing in Part II shall be deemed to affect the constitution or duration of the existing House of the People or the extent of the constituency of any sitting member of that House.

The Legislative Assemblies

Changes in composition and allocation of sitting members.

30. (*1*) Where by virtue of the provisions of Part II the whole area of any Assembly constituency in an existing State is transferred to any other existing State or becomes part of a new State other than Kerala,—

(*a*) that area shall, as from the appointed day, be deemed to form a constituency provided by law for the purpose of elections to the Legislative Assembly of such other existing State or of such new State, as the case may be; and

(*b*) the sitting member representing that constituency shall, as from the appointed day, be deemed to have been elected to the said Legislative Assembly by that constituency and shall cease to be a member of the Legislative Assembly of which he was a member immediately before that day.

(2) The sitting members representing the assembly constituencies in the State of Madras falling wholly or partly within the territories of that State which, on the appointed day, become part of the new State of Kerala shall, as from that day, cease to be members of the Legislative Asembly of Madras.

(*3*) The provisions of the First Schedule shall apply in relation to the sitting members representing the Assembly constituencies specified therein, parts of which are by virtue of the provisions of Part II transferred from an existing State to another existing State or to a new State.

(4) The members of the electoral college for Kutch constituted under section 27A of the Representation of the People Act, 1950 shall, as soon as may be after the commencement of this Act elect eight persons from among themselves in accordance with the system of proportional representation by means of the single transferable

43 of 1950.

vote and in such manner as may be prescribed; and the persons so elected shall, as from the appointed day, be deemed to have been elected to the Legislative Assembly of Gujarat by a constituency comprising the whole of Kutch district.

(5) The sitting members nominated under article 333 to represent the Anglo-Indian community in the Legislative Assemblies of Madhya Pradesh and Mysore * * shall, as from the appointed day, cease to be members of those Assemblies and shall be deemed to have been nominated under the said article by the respective Governors to the Legislative Assemblies of the corresponding new States.

Special provision for elections the Andhra Pradesh Legislative Assembly.

31. When a general election is next held in the State of Andhra Pradesh for electing members to the House of the People, elections shall also be held to fill the seats allotted to the assembly constituencies into which the transferred territory in that State is divided in the order referred to in sub-section (*2*) of section 48, as if those seats had become vacant; and as from the date appointed under the Representation of the People Act, 1951 as the date before which the said elections shall be completed, all the persons who, having been sitting members of the Legislative Assembly of Hyderabad, become on the appointed day members of the Legislative Assembly of Andhra-Pradesh under sub-section (*1*) or sub-section (*3*) of section 30 of this Act shall cease to be such members.

43 of 1951.

Duration of Legislative Assemblies.

32. *The period of five years referred to in clause (1) of article 172 shall, * in the case of the Legislative Assembly of each new State except Kerala, as constituted by the provisions of section 30, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of the corresponding State. * * * *

Speakers and Deputy Speakers.

33. (*1*) As from the appointed day and until the first meeting of the Legislative Assembly of a new State other than Kerala, the persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the corresponding State shall, if they are members of the Legislative Assembly of the new State, be the Speaker and Deputy Speaker, respectively, of that Assembly.

Explanation.—In this section, "corresponding State", in relation to the new State of Gujarat means the existing State of Saurashtra, and in relation to any other new State, has the meaning assigned to it in clause (*e*) of section 2.

(*2*) As soon as may be after the appointed day, the Legislative Assembly of the State of Andhra Pradesh shall choose two members

of the Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Andhra shall be the Speaker and Deputy Speaker, respectively, of the Legislative Assembly of the State of Andhra Pradesh.

Rules of Procedure.

34. Until rules are made under clause (1) of article 208 by the Legislative Assembly of a new State, the rules as to procedure and conduct of business in force immediately before the appointed day with respect to the Legislative Assembly of the corresponding State shall have effect in relation to the Legislative Assembly of the new State subject to such modifications and adaptations as may be made therein by the Speaker.

The Legislative Councils

Maharashtra Legislative Council.

35. (*1*) As from such date as the President may by order appoint, there shall be a Legislative Council for the new State of Maharashtra.

(*2*) In the said Council there shall be 70 seats of which—

(*a*) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (*a*), (*b*) and (*c*) of clause (3) of article 171 shall be 24, 6 and 6 respectively;

(*b*) the number to be filled by persons elected by the members of the Legislative Assembly in accordance with the provisions of sub-clause (*d*) of the said clause shall be 24; and

(*c*) the number to be filled by persons nominated by the Governor in accordance with the provisions of sub-clause (*e*) of that clause shall be 10.

(*3*) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order determine—

(*a*) the constituencies into which the said new State shall be divided for the purpose of elections to the Council under each of the sub-clauses (*a*), (*b*) and (*c*) of clause (3) of article 171;

(*b*) the extent of each constituency; and

(*c*) the number of seats allotted to each constituency.

(*4*) As soon as may be after the appointed day, steps shall be taken to constitute the said Council in accordance with the provisions of this section and the provisions of the Representation of the

43 of 1950. 43 of 1951. People Act, 1950 and the Representation of the People Act, 1951:

Provided that the election referred to in clause (*b*) of sub-section (2) shall be held only after the general election to the Legislative Assembly of the new State of Maharashtra has been held.

Mad Legislative Council.

36. (*1*) In the Legislative Council of Madras, as from the appointed day, there shall be 48 seats of which—

(*a*) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (*a*), (*b*) and (*c*) of clause (3) of article 171 shall be 16, 4 and 4 respectively;

(*b*) the number to be filled by persons elected by the members of the Legislative Assembly in accordance with the provisions of sub-clause (*d*) of the said clause shall be 16; and

(*c*) the number to be filled by persons nominated by the Governor in accordance with the provisions of sub-clause (*e*) of that clause shall be 8.

(*2*) As from the appointed day, the Delimitation of Council Constituencies (Madras) Order, 1951 shall have effect subject to the modifications directed by the Second Schedule, and in the said Order,—

(*a*) any reference to the State of Madras shall be construed as including the territory added to that State by section 4 and as excluding the territory which ceases to be part of that State by virtue of section 5, section 6 or section 7;

(*b*) any reference to Tirunelveli district shall be construed as including the territory added to that district by section 4; and

(*c*) any reference to Coimbatore district shall be construed as excluding Kollegal taluk.

(*3*) The two sitting members of the said Council representing the West Coast (Local Authorities) Constituency and such two of the six sitting members representing the Madras (Graduates) Constituency, and such two of the eighteen sitting members elected by the members of the Legislative Assembly, as the Chairman of the said Council shall by order specify shall, on the appointed day, cease to be members of the said Council.

(*4*) If, immediately before the appointed day, the total number of sitting members nominated by the Governor is nine, such one of them as the Governor shall by order specify shall, on the appointed day, cease to be a member of the said Council.

(5) Save as provided by sub-section (3), every sitting member of the said Council representing a council constituency the extent of which is altered by virtue of sub-section (2) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

(6) As soon as may be after the appointed day, bye-elections shall be held in all the local authorities constituencies to fill the vacancies existing on that day in the said Council.

(7) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 20th April, 1958, and on the expiration of every second year thereafter, the Governor shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under sub-section (6) and such modifications as he thinks fit in the terms of office of any of the sitting members.

Mysore Legislative Council.

37. (1) As from the appointed day there shall be a Legislative Council for the new State of Mysore.

(2) Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time the said Council shall consist of—

(a) all the sitting members of the Legislative Council of the existing State of Mysore, and

(b) 12 members to represent the territories specified in clauses (b), (c), (d) and (e) of sub-section (1) of section 7 who shall be chosen in such manner as may be prescribed.

(3) After such reconstitution as aforesaid, there shall be 45 seats in the said Council of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 15, 4 and 4 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly in accordance with the provisions of sub-clause (d) of the said clause shall be 15; and

(c) the number to be filled by persons nominated by the Governor in accordance with the provisions of sub-clause (e) of that clause shall be 7.

(4) The provisions of sub-sections (3) and (4) of section 35 shall apply in relation to the said Council as they apply in relation to the Legislative Council for the new State of Maharashtra.

Punjab Legislative Council.

38. (*1*) As from the appointed day there shall be a Legislative Council for the new State of Punjab.

(2) Until the said Council has been reconstituted in accordance with the provisions of sub-sections (*3*) and (*4*) of this section and of any other law for the time being in force and has been summoned to meet for the first time, the said Council shall consist of—

(*a*) all the sitting members of the Legislative Council of the existing State of Punjab,

(*b*) six persons to be elected in such manner as may be prescribed by the members of the Legislative Assembly of the existing State of Patiala and East Punjab States Union from amongst persons who are not members of that Assembly.

(*3*) After such reconstitution as aforesaid, there shall be 40 seats in the said Council of which—

(*a*) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (*a*), (*b*) and (*c*) of clause (3) of article 171 shall be 13, 3 and 3 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly in accordance with the provisions of sub-clause (d) of the said clause shall be 13; and

(c) the number to be filled by persons nominated by the Governor in accordance with the provisions of sub-clause (*e*) of that clause shall be 8.

(4) The provisions of sub-sections (*3*) and (*4*) of section 35 shall apply in relation to the said Council as they apply in relation to the Legislative Council for the new State of Maharashtra.

Chairman and Deputy Chairman.

39. As from the appointed day and until the first meeting of the Legislative Council of the new State of Mysore or Punjab, as the case may be, the persons who immediately before the appointed day are the Chairman and Deputy Chairman of the Legislative Council of the corresponding State shall be the Chairman and Deputy Chairman, respectively, of that Council.

Rules of procedure

40. Until rules are made under clause (1) of article 208 by the Legislative Council of the new State of Mysore or Punjab, the rules as to procedure and conduct of business in force immediately before the appointed day with respect to the Legislative Council of the corresponding State shall have effect in relation to the Legislative Council of the new State subject to such modifications and adaptations as may be made therein by the Chairman.

Delimitation of Constituencies

Allocation of seats in the House of the People and assignment of seats to state Legislative Assemblies.

41. The number of seats in the House of the People allotted to each of the States * * * and the number of seats assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir by order of the Delimitation Commission under the Delimitation Commission Act, 1952 (hereinafter in this Part referred to as "the former Commission" and "the former Act", respectively) shall be modified as shown in the Third Schedule. 81 of 1952

Modification of the Scheduled Castes and Scheduled Tribes Orders

42. As soon as may be after the commencement of this Act, the President shall by order make such modifications in the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Part C States) Order, 1951, the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Part C States) Order, 1951, as he thinks fit having regard to the territorial changes and formation of new States under the provisions of Part II.

Determination of population of Scheduled Castes and Scheduled Tribes.

43. (*1*) After the said Orders have been so modified, the population as at the last census of the scheduled castes and of the scheduled tribes in the territory which, as from the appointed day, will be comprised in each of the States of Andhra Pradesh, Gujarat, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Punjab, Rajasthan and Bombay, shall be ascertained or estimated by the census authority in such manner as may be prescribed and shall be notified by that authority in the Gazette of India.

(*2*) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published.

Constitution of Delimitation Commission.

44. (*1*) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(*a*) two members each of whom shall be a person who is, or has been, a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government; and

(*b*) the Chief Election Commissioner, *ex officio*.

(*2*) The Central Government shall nominate one of the members appointed under clause (*a*) of sub-section (*1*) to be the Chairman of the Commission.

Duties of the Commission.

45. It shall be the duty of the Commission—

(*a*) to determine on the basis of the population figures notified under section 43 the number of seats, if any, to be reserved for the scheduled castes and the scheduled tribes of

each of the States mentioned in that section in the House of the People and in the Legislative Assembly of the State, having regard to the relevant provisions of the Constitution and of this Act;

(*b*) to determine the parliamentary and assembly constituencies into which each new State shall be divided, the extent of, and the number of seats to be allotted to each such constituency, and the number of seats if any, to be reserved for the scheduled castes and the scheduled tribes of the State in each such constituency; and

(*c*) to revise or cancel any of the orders of the former Commission made under section 8 of the former Act so as to provide, having regard to the provisions of the Constitution and of this Act, for a proper delimitation of all parliamentary and assembly constituencies. * * * *

Associate members.

48. (*1*) The provisions of section 7 of the former Act shall apply in formance of its functions under clause (*b*) of section 45, the Commission shall associate with itself in respect of each new State such five persons as the Central Government shall by order specify, * * * being persons who are members either of the House of the People or of the Legislative Assembly of an existing State:

Provided that such persons shall be chosen, so far as practicable, from among those members who were associated with the former Commission in delimiting constituencies in any part of the territories of the new State.

(2) None of the associate members shall have a right to vote or to sign any decision of the Commission.

Casual vacancies.

47. If, owing to death or resignation, the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government in accordance with the provisions of section 44 or, as the case may be, of section 46.

Procedure as to delimitation.

48. (*1*) The provision of section 7 of the former Act shall apply in relation to the Commission as it applied in relation to the former Commission; and in determining the matters referred to in clauses (*b*) and (*c*) of section 45, the Commission shall have regard to the provisions contained in clauses (*a*) to (*e*) of sub-section (2) of section 8 of the former Act.

(2) After determining all the matters referred to in section 45, the Commission shall prepare an order, to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

and send authenticated copies thereof to the Central Government and to each of the State Governments; and thereupon, that Order shall supersede all the orders made by the former Commission and have the full force of law and shall not be called in question in any court.

(3) As soon as may be after the said Order is received by the Central Government or a State Government, it shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.

(4) Subject to the provisions of sub-section (5), the readjustment of the representation of the several constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in the said Order shall apply in relation to every election to the House of the People or to the Legislative Assembly of a State, as the case may be, held after the appointed day, and shall so apply in supersession of the provisions contained in any other law.

(5) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or the Assembly, as the case may be, existing or brought into existence on the appointed day.

(6) At any time within six months of the date of the said Order, any printing mistake found therein and any other error arising therein from an accidental slip or omission may be corrected by the Chief Election Commissioner by order published in the Gazette of India.

Special provision as to certain elections.

49. Where any election is held during the year commencing on the appointed day to fill a seat or seats in the Council of States allotted to a new or reorganised State or a seat or seats in the Legislative Assembly or Legislative Council, if any, of such State, any person who is for the time being an elector for a parliamentary constituency or assembly constituency in any of the connected States, shall for the purpose of sub-section (*1*) of section 3, clause (*c*) of section 5 or sub-section (*1*) of section 6, as the case may be, of the Representation of the People Act, 1951, be deemed to be an elector for a parliamentary constituency or assembly constituency, as the case may be, of that new or reorganised State. 43 of 1951.

Explanation.—In this section "new or reorganised State" means any of the States specified in the first column of the following Table, and "connected States", in relation to a new or reorganised

State, means the States specified against that new or reorganised State in the second column:

New or reorganised State	*Connected States*
1. Andhra Pradesh	Maharashtra and Mysore
2. Gujarat	Maharashtra and Bombay
3. Kerala	Madras
4. Madhya Pradesh	Maharashtra
5. Madras	Kerala and Mysore
6. Maharashtra	Andhra Pradesh, Bombay, Gujarat, Madhya Pradesh and Mysore.
7. Mysore	Andhra Pradesh, Bombay, Madras and Maharashtra.

PART V

HIGH COURTS

High Courts for the new States.

50. (*1*) The High Court at Bombay shall, as from the appointed day, be deemed to be the High Court for the States of Gujarat and Maharashtra and for the Part C State of Bombay.

(*2*) The High Courts exercising immediately before the appointed day jurisdiction in relation to the existing States of Madhya Pradesh and Punjab, shall, as from the appointed day, be deemed to be the High Courts for the new States of Madhya Pradesh and Punjab, respectively.

(*3*) As from the appointed day, there shall be established a High Court for each of the new States of Kerala, Mysore and Rajasthan

Abolition of certain courts.

51. (*1*) As from the appointed day, the High Courts of all the existing Part B States, except Jammu and Kashmir, and the Courts of the Judicial Commissioners for Ajmer, Bhopal, Kutch and Vindhya Pradesh shall cease to function and are hereby abolished.

(*2*) Nothing in sub-section (*1*) shall prejudice or affect the continued operation of any notice served, injunction issued, direction given or proceedings taken before the appointed day by any of the courts abolished by that sub-section under the powers then conferred upon that court.

Principal seat and other places of sitting of High Courts for new States.

(*3*) Every such judge of a High Court abolished by sub-section (1) as the President after consultation with the Chief Justice of India may, by order made before the appointed day, specify shall, as from that day, become a judge, or if so specified the Chief Justice, of such High Court as the President may in that order specify.

52. (*1*) The principal seat of the High Court for a new State shall be at such place as the President may, by notified order, appoint.

(2) The President may, after consultation with the Governor of a new State and the Chief Justice of the High Court for that State, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the judges and division courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint.

Jurisdiction of High Courts for new States

53. The High Court for a new State shall have, in respect of any part of the territories * * included in that new State, all such original, appellate and other jurisdiction as, under the law in force immediately before the appointed day, is exercisable in respect of that part of the said territories by any High Court or Judicial Commissioner's Court for an existing State.

Power to enrol advocates, etc.

54. (1) The High Court for a new State shall have the like powers to approve, admit, enrol, remove and suspend advocates and attorneys, and to make rules with respect to advocates and attorneys as are, under the law in force immediately before the appointed day, exercisable by the High Court for the corresponding State.

(2) The right of audience in the High Court for a new State shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court for the corresponding State:

Provided that, subject to any rule made or direction given by the High Court for a new State in exercise of the power conferred by this section, any person who, immediately before the appointed day, is an advocate entitled to practise, or an attorney entitled to act in any such High Court or Judicial Commissioner's Court as may be specified in this behalf by the Chief Justice of the High Court for the new State, shall be recognised as an advocate or an attorney entitled to practise or to act, as the case may be, in the High Court for the new State.

Practice and procedure.

55. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court for the corresponding State shall, with the necessary modifications, apply in relation to the High Court for a new State, and accordingly, the High Court for the new State shall have all such powers to make rules and orders with respect to practice and procedure as are, immediately before the appointed day, exercisable by the High Court for the corresponding State:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court for the corresponding State shall, until varied or revoked by rules or orders made by the High Court for a new State, apply with the necessary modifications in relation to practice and procedure in the High Court for the new State as if made by that Court.

Custody of seal of the High Court.

56. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court for the corresponding State shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court for a new State.

Form of writs and other processes.

57. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court for the corresponding State shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court for a new State.

Powers of Judges.

58. The law in force immediately before the appointed day relating to the powers of the Chief Justice, single judges and division courts of the High Court for the corresponding State and with respect to matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court for a new State.

* * * * *

Procedure as to appeals to the Supreme Court.

59. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court for the corresponding State and the judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court for a new State.

Transfer of proceedings to Bombay High Court.

60. (*1*) Except as hereinafter provided, the High Court at Nagpur (which on the appointed day becomes the High Court for the new State of Madhya Pradesh and is referred to in this Act as the High Court of Madhya Pradesh) shall, as from that day, have no jurisdiction in respect of the territory transferred from the existing State of Madhya Pradesh to the State of Maharashtra.

(2) Such proceedings pending in the High Court at Nagpur or the High Court of Hyderabad immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court at Bombay as the High Court for the new State of Maharashtra shall, as soon as may be after such certification, be transferred to the High Court at Bombay.

(3) All proceedings pending in the High Court of Saurashtra or in the Court of the Judicial Commissioner for Kutch immediately before the appointed day shall stand transferred to the High Court at Bombay as the High Court for the new State of Gujarat.

(4) Notwithstanding anything contained in sub-sections (1) and (2), but save as hereinafter provided, the High Court of Madhya Pradesh shall have, and the High Court at Bombay shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings, where any such proceedings seek any relief in respect of any orders passed by the High Court at Nagpur before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court of Madhya Pradesh it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court at Bombay, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(5) Any order made before the appointed day by any court referred to in sub-section (2) or sub-section (3) in any proceedings transferred to the High Court at Bombay by virtue of sub-section (2) or sub-section (3) shall for all purposes have effect, not only as an order of that court, but also as an order of the High Court at Bombay; and any order made by the High Court of Madhya Pradesh in any proceedings with respect to which that court retains jurisdiction by virtue of sub-section (4) shall for all purposes have effect, not only as an order of that High Court, but also as an order of the High Court at Bombay.

Extension of jurisdiction of, and transfer of proceedings to, Kerala High Court.

61. (1) As from the appointed day the jurisdiction of the High Court for the State of Kerala (referred to in this Act as the High Court of Kerala) shall extend to the Part C State of the Laccadive, Minicoy and Amindivi Islands.

(2) Except as hereinafter provided, the High Court at Madras shall, as from the appointed day, have no jurisdiction in respect of the said Part C State or in respect of any territory transferred from the State of Madras to the State of Kerala.

(3) Such proceedings pending in the High Court at Madras immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Kerala shall, as soon as may be after such certification, be transferred to the High Court of Kerala.

(4) Notwithstanding anything contained in sub-sections (1) and (2), but save as hereinafter provided, the High Court at Madras shall have, and the High Court of Kerala shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings, where any such proceedings seek any relief in respect of any order passed by the High Court at Madras before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court at Madras it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Kerala, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(5) Any order made by the High Court at Madras—

(a) before the appointed day in any proceedings transferred to the High Court of Kerala by virtue of sub-section (3); or

(b) in any proceedings with respect to which the High Court at Madras retains jurisdiction by virtue of sub-section (4),

shall for all purposes have effect, not only as an order of the High Court at Madras, but also as an order made by the High Court of Kerala.

(6) All proceedings pending in the High Court of Travancore-Cochin immediately before the appointed day other than those certified by the Chief Justice of that High Court under sub-section (2) of section 67 shall stand transferred to the High Court of Kerala; and any order made before the appointed day by the first mentioned High Court in any such proceedings shall for all purposes have effect, not only as an order of that High Court, but also as an order of the High Court of Kerala.

Transfer of proceedings to Madhya Pradesh High Court.

62. (1) * * * Such proceedings pending in the High Court of the existing State of Rajasthan immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Madhya Pradesh shall, as soon as may be after such certification, be transferred to the High Court of Madhya Pradesh.

(2) All proceedings pending in the High Court of Madhya Bharat or in the Court of the Judicial Commissioner for Bhopal or in the Court of the Judicial Commissioner for Vindhya Pradesh, immediately before the appointed day, shall stand transferred to the High Court of Madhya Pradesh.

(3) Any order made before the appointed day by any court referred to in sub-section (1) or sub-section (2) shall for all purposes have effect not only as an order of that Court but also as an order of the High Court of Madhya Pradesh.

Transfer of proceedings to Mysore High Court.

63. (1) Except as hereinafter provided, neither the High Court at Bombay nor the High Court at Madras shall, as from the appointed day, have jurisdiction in respect of any territory transferred from the existing State of Bombay or the State of Madras, as the case may be, to the new State of Mysore.

(2) Such proceedings pending in the High Court of Hyderabad or the High Court at Bombay or Madras, immediately before the appointed day, as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court for the new State of Mysore (referred to in this Act as the High Court of Mysore) shall, as soon as may be after such certification, be transferred to the High Court of Mysore.

(3) Notwithstanding anything contained in sub-sections (1) and (2) but save as hereinafter provided, the High Court at Bombay or, as the case may be, the High Court at Madras shall have, and the High Court of Mysore shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings, where any such proceedings seek any relief in respect of any order passed by the High Court at Bombay or Madras before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court at Bombay or Madras it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Mysore, he shall order that they shall be so transferred and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court of Hyderabad before the appointed day in any proceedings transferred to the High Court of Mysore by virtue of sub-section (2) shall, for all purposes, have effect not only as an order of the High Court of Hyderabad, but also as an order made by the High Court of Mysore.

(5) Any order made by the High Court at Bombay or Madras—

(a) before the appointed day in any proceedings transferred to the High Court of Mysore by virtue of sub-section (2), or

(b) in any proceedings with respect to which the High Court at Bombay or Madras retains jurisdiction by virtue of sub-section (3),

shall, for all purposes, have effect not only as an order of the High Court at Bombay or Madras, but also as an order of the High Court of Mysore.

(6) All proceedings pending in the High Court of the existing State of Mysore immediately before the appointed day, shall stand transferred to the High Court of Mysore; and any order made before the appointed day by the first mentioned High Court in any such proceedings shall for all purposes have effect, not only as an order of that High Court, but also as an order of the High Court of Mysore.

Transfer of proceedings to Punjab High Court

64. (*1*) All proceedings pending in the High Court of Patiala and East Punjab States Union immediately before the appointed day shall stand transferred to the High Court for the new State of Punjab (referred to in this Act as the High Court of Punjab).

(2) Any order made before the appointed day by the High Court of Patiala and East Punjab States Union shall for all purposes have effect, not only as an order of that Court, but also as an order made by the High Court of Punjab.

Transfer of proceedings to Rajasthan High Court.

65. (*1*) As from the appointed day, the High Court at Bombay shall have no jurisdiction in respect of the territory transferred from the existing State of Bombay, to the new State of Rajasthan.

(2) Such proceedings pending in the High Court at Bombay or the High Court of Madhya Bharat immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court for the new State of Rajasthan (referred to in this Act as the High Court of Rajasthan) shall, as soon as may be after such certification, be transferred to the High Court of Rajasthan.

(3) All proceedings pending in the High Court of the existing State of Rajasthan immediately before the appointed day other than those certified under sub-section (*1*) of section 62 and all proceedings pending in the Court of the Judicial Commissioner for Ajmer immediately before the appointed day shall stand transferred to the High Court of Rajasthan.

(4) Any order made before the appointed day by any Court referred to in sub-section (*2*) or sub-section (*3*) in any proceedings transferred to the High Court of Rajasthan by virtue of sub-section (*2*) or sub-section (*3*) shall, for all purposes, have effect not only as an order of that Court, but also as an order of the High Court of Rajasthan.

High Court of Andhra pradesh.

66. (*1*) As from the appointed day,—

(*a*) the jurisdiction of the High Court of the existing State of Andhra shall extend to the whole of the territories transferred to that State from the existing State of Hyderabad;

(*b*) the said High Court shall be known as the High Court of Andhra Pradesh; and

(*c*) the principal seat of the said High Court shall be at Hyderabad.

(*2*) All proceedings pending in the High Court of Hyderabad immediately before the appointed day, other than those certified by the Chief Justice of that High Court under sub-section (*2*) of section 60 or under sub-section (*2*) of section 63, shall stand transferred to the High Court of Andhra Pradesh.

(*3*) Any order made by the High Court of Hyderabad before the appointed day in any proceedings transferred to the High Court of Andhra Pradesh by virtue of sub-section (*2*) shall, for all purposes, have effect not only as an order of the High Court of Hyderabad but also as an order made by the High Court of Andhra Pradesh.

(*4*) Any person who, immediately before the appointed day is an advocate entitled to practise in the High Court of Hyderabad shall, as from the appointed day, be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh:

Provided that if any such person makes, within one year from the appointed day, an application to the High Court at Bombay or to the High Court of Mysore for being recognised as an advocate entitled to practise in that High Court, he shall be so recognised, and on such recognition, he shall cease to be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh.

High Court for the areas added to Madras.

67. (*1*) Except as hereinafter provided the jurisdiction of the High Court at Madras shall, as from the appointed day, extend to the whole of the territories transferred to the State of Madras from the State of Travancore-Cochin * * *.

(*2*) Such proceedings pending in the High Court of Travancore-Cochin immediately before the appointed day as are certified before that day by the Chief Justice of that High Court * * * *having regard to the place of accrual of the cause of action and other circumstances to be proceedings which ought to be heard and decided by the High Court at Madras shall, as soon as may be after such certification, be transferred to the High Court at Madras.

(3) Notwithstanding anything contained in sub-sections (1) and (2), but save as hereinafter provided, the High Court of Kerala shall have, and the High Court at Madras shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Travancore-Cochin before the appointed day:

Provided that if, after any such proceedings have been entertained by the High Court of Kerala, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court at Madras, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made—

(a) by the High Court of Travancore-Cochin before the appointed day in any proceedings transferred to the High Court at Madras by virtue of sub-section (2); or

(b) by the High Court of Kerala in any proceedings with respect to which that High Court retains jurisdiction by virtue of sub-section (3),

shall, for all purposes, have effect, not only as an order of the High Court of Travancore-Cochin or the High Court of Kerala, as the case may be, but also as an order made by the High Court at Madras.

Right to appear or act in proceedings transferred to other High Courts.

68. Any person who immediately before the appointed day is an advocate entitled to practise, or an attorney entitled to act, in the High Court for an existing State and was authorised to appear or to act in any proceedings transferred from that High Court to any other High Court under any of the foregoing provisions of this Part shall have the right to appear or to act, as the case may be, in the other High Court in relation to those proceedings.

Interpretation.

69. For the purposes of sections 60 to 67,—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(b) references to a High Court shall be construed as including references to a judge or division court thereof, and references to an order made by a court or a judge shall be construed

as including references to a sentence, judgment or decree passed or made by that court or judge.

Savings.

70. Nothing in this Part shall affect the application to the High Court for a new State of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

PART VI

AUTHORISATION OF EXPENDITURE

Authorisation of expenditures of new States.

71. In the case of every new State, the Governor or Rajpramukh of the corresponding State may at any time before the appointed day authorise such expenditure from the Consolidated Fund of the new State as he deems necessary for any period not extending beyond the 31st day of March, 1957.

Provided that the Governor of the new State may, after the appointed day, authorise such further expenditure from the Consolidated Fund of the State as he deems necessary for the said period.

Appropriation of moneys for expenditure in transferred territories under existing Appropriation Act.

72. (*1*) As from the appointed day, any Act passed by the Legislature of the State of Andhra or Madras before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1956-57 shall have effect also in relation to the transferred territory in that State, and it shall be lawful for the State Government to spend any amount in such transferred territory out of the amount authorised by such Act to be expended for any service in that State.

(2) The Governor of Andhra Pradesh or of Madras may, after the appointed day, authorise such expenditure from the Consolidated Fund of the State as he deems necessary for any purpose or service in the transferred territory of the State for any period not extending beyond the 31st day of March, 1957.

Reports relating to the accounts of certain States.

73. (*1*) Where the whole or any part of the territory of an existing State has been transferred to another existing State or to a new State by the provisions of Part II, the reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of that existing State in respect of any period prior to the appointed day, shall be submitted to the Governor of such State or of each of such States as the President may by order specify and the Governor shall thereupon cause them to be laid before the Legislature of that State:

Provided that the said reports relating to the accounts of the existing State of Bombay in respect of any period prior to the appointed day shall be submitted also to the President who shall cause them to be laid before each House of Parliament.

(2) The President may by order—

(*a*) declare any expenditure incurred out of the Consolidated Fund of Bombay, Madhya Pradesh or Punjab or of any Part B or Part C State on any service during the financial year 1955-56 or any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (*1*) to have been duly authorised, and

(*b*) provide for any action to be taken on any matter arising out of the said reports.

Allowances and privileges of Governors of certain States.

74. The allowances and privileges of the Governor of Andhra Pradesh or of Madras or of each new State shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.

Distribution of revenues.

75. (*1*) Section 3 of the Union Duties of Excise (Distribution) Act, 1953 and paragraphs 3 and 5 of the Constitution (Distribution of Revenues) Order, 1953 shall, in respect of the financial year 1956-57, have effect in the modified form set out in the Fourth Schedule.

3 of 1953.

(2) There shall be charged on the Consolidated Fund of India in respect of each of the three financial years 1957-58, 1958-59 and 1959-60 as grants-in-aid of—

(*a*) the State of Gujarat, the sum, if any by which 25·79 per cent. of the total of the amounts payable to that State under articles 270 and 272 falls short of 248·04 lakhs of rupees;

(*b*) the State of Kerala, the sum, if any, by which 61·91 per cent. of the total of the amounts payable to that State under the said articles falls short of 232·38 lakhs of rupees;

(*c*) the State of Madras, the sum, if any, by which 2·97 per cent. of the total of the amounts payable to that State under the said articles falls short of 24·65 lakhs of rupees;

(*d*) the State of Mysore, the sum, if any, by which 46·75 per cent. of the total of the amounts payable to that State under the said articles falls short of 289·80 lakhs of rupees.

PART VII

APPORTIONMENT OF ASSETS AND LIABILITIES OF CERTAIN PART A AND PART B STATES

Application of Part.

76. The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities immediately before the appointed day of every Part A or Part B State the whole or any part of whose territories is transferred to another State or becomes a Part C State by virtue of the provisions of Part II; and the expression "existing State" shall accordingly be construed to mean any such Part A State or Part B State.

Land and goods.

77. (*1*) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to an existing State shall—

(*a*) if within the existing State, pass to the successor State in which they are situated; or

(*b*) if outside the existing State, pass to the successor State, or if there be two or more successor States, to the principal successor State:

Provided that where there are two or more successor States and the Central Government is of opinion that any goods or class of goods should be distributed among them otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly.

(*2*) Any unissued stores of any class in an existing State shall pass to the successor State, or if there be two or more successor States, shall be divided between them in proportion to the total indents for stores of that class made in the period of three years ending with the 31st day of March, 1956, for the territories of the existing State included respectively in each of those successor States excluding the indents relating to the Secretariat and offices of Heads of Departments of the States:

Provided that nothing in this sub-section shall apply to stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction.

(3) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

Treasury and bank balances.

78. The total of the cash balances in all treasuries of an existing State and the credit balances of that State with the Reserve Bank of India immediately before the appointed day shall pass to the successor State, or, if there be two or more successor States, be divided between them according to the population ratio:

Provided that for the purpose of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the successor States in the books of the Reserve Bank of India on the appointed day:

Provided further that if any successor State has no account with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may by order direct.

Arrears of taxes.

79. The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included.

Right to recover loans and advances.

80 (1) The right to recover any loans or advances made before the appointed day by an existing State to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included.

(2) The right to recover any loans or advances made before the appointed day by an existing State to any person or institution outside that State shall belong to the successor State or, if there be two or more successor States, to the principal successor State:

Provided that where there are two or more successor States, any sum recovered in respect of any such loan or advance shall be divided between all the successor States according to the population ratio.

Credits in certain fur

81. The investments in the cash balance investments account, the famine relief fund and the general fund of an existing State and the sums at the credit of an existing State in the central road

fund shall pass to the successor State or, if there be two or more successor States, be divided between them according to the population ratio; and the investments in any special fund the objects of which are confined to a local area in an existing State shall pass to the successor State in which that area is included.

Assets and liabilities of State undertakings.

82. (*1*) The assets and liabilities relating to any commercial or industrial undertaking of an existing State shall pass to the successor State in which the undertaking is located.

(*2*) Where a depreciation reserve fund is maintained by an existing State for any commercial or industrial undertaking, the securities held in respect of investments made from that fund shall pass to the successor State in which the undertaking is located.

Public debt.

83 (*1*) The public debt of each of the existing States of Bombay and Hyderabad attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the 30th day of September, 1956, shall as from that day be the debt of the Union, and immediately on such transfer of the debt, the Central Government shall be deemed to have made a loan to that State of an amount equal to the debt so transferred on the same terms in regard to interest and repayment as are applicable to the loans so raised by that State.

(*2*) The public debt of any other existing State attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall, as from that day, be the debt of the successor State or, if there be two or more successor States, be the debt of such one of them as the Central Government may, by order, specify; and in the latter case,—

(*a*) the other successor States shall be liable to pay to the successor States so specified their shares of the sums due from time to time for the servicing and repayment of the debt; and

(*b*) for the purpose of determining the said shares, the debt shall be deemed to be divided between the successor States as if it were a debt referred to in sub-section (*3*).

(*3*) The public debt of an existing State attributable to loans taken from the Central Government, the Reserve Bank of India or any other bank before the appointed day, including in the case of Bombay or Hyderabad the loan deemed to have been made by the Central Government under sub-section (*1*), shall pass to the successor State, or if there be two or more successor States, be divided between them

in proportion to the total expenditure on all capital works and other capital outlays incurred up to the appointed day in the territories of the existing State included respectively in each of those successor States:

Provided that for the purposes of such division, only expenditure on assets for which capital accounts have been kept shall be taken into account:

Provided further that any loan taken from the Central Government by the Government of an existing State before the appointed day in connection with the construction of buildings, roads or other works for the capital of a new State or any State affected by the provisions of Part II or for purposes incidental thereto shall, to the extent of the expenditure so incurred until that day, be wholly the liability of the successor State in which the capital is included.

(4) Where a sinking fund is maintained by an existing State for the repayment of any loan raised by it, the securities held in respect of investments made from that fund shall pass to the successor State or, if there be two or more successor States, be divided between them in the same proportion as the public debt referred to in sub-section (3).

(5) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under, clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944.

84. The liability of an existing State in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the successor State in whose area the deposit has been made. Deposits.

85. The liability of an existing State in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the successor State to which that Government servant is permanently allotted. Provident funds.

86. The liability of the existing States in respect of pensions shall pass to, or be apportioned between, the successor States in accordance with the provisions contained in the Fifth Schedule. Pensions.

87. (1) Where before the appointed day an existing State has made any contract in the exercise of its executive power for any purposes Contracts.

of the State, that contract shall be deemed to have been made in the exercise of the executive power—

(*a*) if there be only one successor State,—of that State;

(*b*) if there be two or more successor States and the purposes of the contract are, as from the appointed day, exclusively purposes of any one of them,—of that State; and

(*c*) if there be two or more successor States and the purposes of the contract are, as from that day, not exclusively purposes of any one of them,—of the principal successor State;

and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State, be rights or liabilities of the successor State or the principal successor State specified above.

Provided that in any such case as is referred to in clause (c), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between all the successor States concerned, or in default of such agreement, as the Central Government may by order direct.

(*2*) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(*a*) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(*b*) any liability in respect of expenses incurred in or in connection with any such proceedings.

(*3*) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

Liability in respect of actionable wrong

88. Where, immediately before the appointed day, an existing State is subject to any liability in respect of an actionable wrong other than breach of contract, that liability shall—

(*a*) if there be only one successor State, be a liability of that State;

(*b*) if there be two or more successor States and the cause of action arose wholly within the territories which as from that day are the territories of one of them, be a liability of that successor State; and

(*c*) in any other case, be initially a liability of the principal successor State, but subject to such financial adjustment as may be agreed upon between all the successor States concerned, or in default of such agreement, as the Central Government may by order direct.

Liability as guarantor of co-operative society.

89. Where, immediately before the appointed day, an existing State is liable as guarantor in respect of any liability of a registered co-operative society, that liability of the existing State shall—

(*a*) if there be only one successor State, be a liability of that State;**

(*b*) if there be two or more successor States and the area of the society's operations is limited to the territories which as from that day are the territories of one of them, be a liability of that successor State; and

(*c*) in any other case, be a liability of the principal successor State:

Provided that in any such case as is referred to in clause (*c*), the initial allocation of liabilities under this section shall be subject to such financial adjustment as may be agreed upon between all the successor States, or in default of such agreement, as the Central Government may by order direct.

Items in suspense.

90. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Residuary provision.

91. The benefit or burden of any assets or liabilities of an existing State not dealt with in the foregoing provisions of this Part shall—

(*a*) if there be only one successor State, pass to that State, and

(*b*) if there be two or more successor States, pass to the principal successor State in the first instance, subject to such financial adjustment as may be agreed upon between all the successor States before the 1st day of October, 1957, or in default of such agreement, as the Central Government may by order direct.

Power of the Central Government to order allocation or adjustment in certain cases.

92. Where by virtue of any of the provisions of this Part, any of the successor States becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by any State that it is just and equitable that that property or those benefits should be transferred to or shared with, one or more of the other successor States, or that a contribution towards that liability should be made by one or more of the other successor States, the said property or benefits shall be allocated in such manner, or the other successor State or States shall make to the State primarily subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the State Governments concerned by order determine.

Certain expenditure to be charged on the Consolidated Fund.

93. All sums payable by the Union to any State or by any State to any other State or to the Union by virtue of the provisions of this Part shall be charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State by which such sums are payable.

PART VIII

APPORTIONMENT OF CERTAIN ASSETS AND LIABILITIES OF THE UNION

Definitions.

94. In this Part,—

(*a*) "existing State" means any of the existing Part C States of Ajmer, Bhopal, Coorg, Kutch and Vindhya Pradesh;

(*b*) "Union purposes" mean the purposes of Government relatable to any of the matters mentioned in the Union List.

Passing of certain assets and liabilities of the Union to successor States.

95. Subject to the other provisions of this Part—

(*a*) such of the assets of the Union within an existing State as are immediately before the appointed day held by the Union for purposes of the governance of that State shall, as from that day, pass to the successor State, unless the purposes for which the assets are so held are Union purposes; and

(*b*) all liabilities of the Union arising out of, or in relation to, the governance of an existing State shall, as from the appointed day, be liabilities of the successor State, unless the liabilities are relatable to a Union purpose.

Arrears of taxes.

96. The right to recover arrears of any tax (including land revenue) due in an existing State, being a tax enumerated in the State List, shall pass to the successor State.

Loans and advances.

97. The right to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an existing State shall belong to the successor State unless the loan or advance was made in connection with a Union purpose.

Debts due to Central Government.

98. Any debt of an existing State attributable to any loan given by the Central Government on or after the 1st day of April, 1954, and outstanding immediately before the appointed day shall be a debt due by the successor State to the Central Government.

Provident fund.

99. The liability of the Union in respect of the provident fund account of a Government servant serving immediately before the appointed day in an existing State under the administrative control of the Lieutenant-Governor or Chief Commissioner thereof shall, as from that day, be the liability of the successor State:

Provided that the Central Government shall transfer to the successor State funds equal to the liability of the Union as on the appointed day.

Pensions.

100. Where a Government servant under the administrative control of the Lieutenant-Governor or Chief Commissioner of an existing State has, before the appointed day, retired or proceeded on leave preparatory to retirement, any outstanding claim in respect of his pension shall be settled by the successor State; but the liability in respect of the pension sanctioned to any such Government servant, whether before or after the appointed day, shall be the liability of the Union.

Contracts.

101. (*1*) Any contract made before the appointed day by the Union in the exercise of its executive power for purposes of the governance of an existing State shall, as from that day, be deemed to have been made in the exercise of the executive power of the successor State, unless the purposes of the contract are Union purposes; and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights and liabilities of the Union if this Act had not been passed, be rights and liabilities of the successor State.

(*2*) The provisions of sub-sections (*2*) and (*3*) of section 87 shall apply in relation to any such contract as they apply in relation to a contract to which sub-section (*1*) of that section applies.

PART IX

PROVISIONS AS TO CERTAIN CORPORATIONS AND INTER-STATE AGREEMENTS AND ARRANGEMENTS

Provision as to certain State Financial Corporations.

63 of 1951.

102. (*1*) As from the appointed day, the Financial Corporations established under the State Financial Corporations Act, 1951, for the existing States of Madhya Bharat, Punjab, Rajasthan, Saurashtra and Travancore-Cochin shall be deemed to be the Financial Corporations

established under the said Act for the new States of Madhya Pradesh, Punjab, Rajasthan, Gujarat and Kerala, respectively.

(2) The States of Kerala, Madhya Pradesh and Rajasthan shall be liable to pay to the States of Madras, Rajasthan and Madhya Pradesh, respectively, on account of the share of each of the last-named States in the paid-up capital of the Financial Corporations for the existing States of Travancore-Cochin, Madhya Bharat and Rajasthan, respectively, such amount as the Central Government may by order determine.

(3) As from the appointed day, the Financial Corporations established under the State Financial Corporations Act, 1951, for the existing States of Andhra and Hyderabad shall stand amalgamated and shall be deemed to be the Financial Corporation established under the said Act for the State of Andhra Pradesh.

(4) After consulting the Governments of the existing States of Andhra and Hyderabad, the Central Government may, before the appointed day, by notified order, provide for the constitution of the Board of directors of the Financial Corporation for the State of Andhra Pradesh and for such consequential, incidental and supplemental matters as may, in the opinion of the Central Government, be necessary to give effect to the provisions of sub-section (3).

(5) The State of Andhra Pradesh shall be liable to pay to each of the new States of Mysore and Maharashtra on account of its share of the paid-up capital of the Financial Corporation for the existing State of Hyderabad such amount as the Central Government may, by order, determine.

(6) As from the appointed day, the Financial Corporation established under the State Financial Corporations Act, 1951 for the existing State of Bombay shall be deemed to be a Financial Corporation established under the said Act for the new Part 'C' State of Bombay.

(7) The Central Government shall be liable to pay to each of the new States of Maharashtra, Mysore, Gujarat and Rajasthan on account of its share of the paid-up capital of the Financial Corporation for the existing State of Bombay such amount as the Central Government may, by order, determine.

Provisions as to the Madras Industrial Investment Corporation.

103. (1) As from the appointed day, the Madras Industrial Investment Corporation constituted for the existing State of Madras shall be deemed to have been constituted for that State with its area as altered by the provisions of Part II.

(2) The State of Madras shall be liable to pay to each of the new States of Kerala and Mysore on account of its share of the paid-up

capital of the said Corporation such amount as the Central Government may by order determine.

104. With effect from the appointed day, the following amendments shall be made in the Reserve Bank of India Act, 1934, namely:— Amendment of Act 2 of 1934

2 of 1934.

(*1*) in section 2, in the proviso to clause (*f*), for the words "any Central co-operative society in that State to be a State co-operative bank" the words "any one or more co-operative societies carrying on business in that State to be a State co-operative bank or banks" shall be substituted.

(*2*) in section 20,—

(*a*) the words and letter "and the Governments of Part A States" shall be omitted;

(*b*) for the words "their accounts respectively", the words "its account" shall be substituted;

(*c*) for the words "their exchange", the words "its exchange" shall be substituted;

(*d*) after the words "public debt", the words "of the Union" shall be inserted;

(*3*) in section 21,—

(*a*) in sub-section (*1*),—

(*i*) the words "and the State Governments" wherever they occur, shall be omitted;

(*ii*) for the word "their", at both places where it occurs, the word "its" shall be substituted;

(*iii*) in the proviso, the words "or any State Government" shall be omitted, and for the word "they", the word "it" shall be substituted;

(*b*) in sub-section (*2*), the words "and each State Government" shall be omitted;

(*c*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) Any agreement made under this section shall be laid, as soon as may be after it is made, before Parliament." ; and

(*d*) sub-section (*5*) shall be omitted;

(*4*) in sub-section (*1*) of section 21-A, the word and letter "Part B" shall be omitted;

(5) after section 21-A, the following section shall be inserted, namely:—

Effect of agreements made between the Bank and certain States before the 1st October, 1956.

"21-B. (1) Any agreement made under section 21 or section 21-A between the Bank and the Government of a State specified in the *Explanation* below and in force immediately before the 1st day of October, 1956, shall, as from that day, have effect as if it were an agreement made on that day under section 21-A between the Bank and the Government of the corresponding State, subject to such modifications, if any, being of a character not affecting the general operation of the agreement, as may be agreed upon between the Bank and the Government of the corresponding State, or in default of such agreement, as may be made therein by order of the Central Government.

Explanation.—In this sub-section "corresponding State" means,—

(*a*) in relation to the agreement between the Bank and the State of Andhra, the State of Andhra Pradesh;

(*b*) in relation to the agreement between the Bank and the State of Bombay, the State of Maharashtra;

(*c*) in relation to the agreement between the Bank and any other Part A State as it existed before the 1st day of October, 1956, the State with the same name; and

(*d*) in relation to the agreement between the Bank and the Part B State of Mysore, Saurashtra or Travancore-Cochin as it existed before the 1st day of October, 1956, the State of Mysore, Gujarat or Kerala respectively.

(2) Any agreement made under section 21-A between the Bank and the Government of the Part B State of Hyderabad or Madhya Bharat shall be deemed to have terminated on the 30th day of September, 1956.".

Amendment of Act VI of 1942.

105. In the Multi-Unit Co-operative Societies Act, 1942, after section 5, the following sections shall be inserted, namely:—

Transitional provisions regarding certain co-operative societies affected by reorganisation of States.

"5A. (1) Where by virtue of the provisions of Part II of the States Reorganisation Act, 1956, any co-operative society which, immediately before the 1st day of October, 1956, had its objects confined to one State becomes, as from that day, a multi-unit co-operative society, it shall be deemed to be a co-operative society to which this Act applies and shall be deemed to be actually registered in the State in which the principal place of business of the co-operative society is situated.

(2) If it appears to the Central Registrar of Co-operative Societies necessary or expedient that any such society should be reconstituted or reorganised in any manner or that it should be dissolved, the Central Registrar may, with the approval of the Central Government, place before a meeting of the general body of the society, held in such manner as may be prescribed by rules made under this Act, a scheme for the reconstitution, reorganisation or dissolution of the society, including proposals regarding the formation of new co-operative societies and the transfer thereto of the assets and liabilities of that society.

(3) If the scheme is sanctioned by a resolution passed by a majority of the members present at the said meeting, either without modifications or with modifications to which the Central Registrar agrees, he shall certify the scheme and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any law, regulation or bye-law for the time being in force, be binding on all the societies affected by the scheme, as well as the shareholders and creditors of all such societies.

(4) If the scheme is not sanctioned under sub-section (3), the Central Registrar may refer the scheme to such Judge of the appropriate High Court as may be nominated in this behalf by the Chief Justice thereof, and the decision of that Judge in regard to the scheme shall be final and shall be binding on all the societies affected by the scheme as well as the shareholders and creditors of all such societies.

Explanation.—In this sub-section "appropriate High Court" means the High Court within whose jurisdiction the principal place of business of the multi-unit co-operative society is situated.

Power to delegate.

5B. The Central Government may, by notification in the Official Gazette, direct that any power or authority exercisable by the Central Registrar of Co-operative Societies under this Act shall, in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such Registrar of Co-operative Societies of a State or by such officer subordinate to the Central Government or to a State Government as may be specified in the notification.".

Provision as to certain State Electricity Boards and apportionment of their assets and liabilities.

106. (1) The State Electricity Board constituted under the Electricity (Supply) Act, 1948, for any of the existing States of Bombay, Madhya Pradesh and Saurashtra shall as from the appointed day continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may from time to time be issued by the Central Government.

54 of 1948.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such Board shall include a direction that the said Act shall in its application to that Board have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) A State Electricity Board continued under sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on, the 1st day of October, 1957, or such earlier date as the Central Government may by order appoint; and upon such dissolution, its assets and liabilities shall,—

(a) in the case of the Board for Saurashtra, pass to the State of Gujarat, and

(b) in the case of the Board for the existing State of Bombay or Madhya Pradesh, be apportioned between the successor States in such manner as may be agreed upon between them within one year of the dissolution of the Board or if no agreement is reached, in such manner as the Central Government may by order determine.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of any of the successor States to the existing States of Bombay, Madhya Pradesh and Saurashtra from constituting at any time after the appointed day a State Electricity Board for that successor State under the provisions of the said Act; and if such a Board is so constituted before the dissolution of a Board continued under sub-section (1) and functioning in any part of that successor State,—

(a) provision may be made by order of the Central Government enabling the new Board to take over from the existing Board all or any of its undertakings, assets and liabilities in that State, and

(b) upon the dissolution of the existing Board, any assets and liabilities which would otherwise have passed to the successor State by or under the provisions of sub-section (3) shall pass to the new Board instead of to the successor State.

Continuance of arrangements in regard to generation and supply of electric power and supply of water.

107. If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the development of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it has been transferred by the provisions of Part II from the State in which the power stations and other installations for the generation and supply of such power, or the catchment area reservoirs and other works for the supply of water, as the case may be, are located, the Central

Government may give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

Continuance of agreements and arrangements relating to certain irrigation, power or multi-purpose projects.

108. (*1*) Any agreement or arrangement entered into between the Central Government and one or more existing States or between two or more existing States relating to—

(*a*) the administration, maintenance and operation of any project executed before the appointed day, or

(*b*) the distribution of benefits, such as, the right to receive and utilise water or electric power, to be derived as a result of the execution of such project,

which was subsisting immediately before the appointed day shall continue in force, subject to such adaptations and modifications, if any, (being of a character not affecting the general operation of the agreement or arrangement) as may be agreed upon between the Central Government and the successor State concerned or between the successor States concerned, as the case may be, by the 1st day of October, 1957, or, if no agreement is reached by the said date, as may be made therein by order of the Central Government.

(*2*) Where a project concerning one or more of the existing States affected by the provisions of Part II has been taken in hand, but not completed, or has been accepted by the Government of India for inclusion in the Second Five Year Plan before the appointed day, neither the scope of the project nor the provisions relating to its administration, maintenance or operation or to the distribution of benefits to be derived from it shall be varied,—

(*a*) in the case where a single successor State is concerned with the project after the appointed day, except with the previous approval of the Central Government, and

(*b*) in the case where two or more successor States are concerned with the project after that day, except by agreement between those successor States, or if no agreement is reached, except in such manner as the Central Government may by order direct,

and the Central Government may from time to time give such directions as may appear to it to be necessary for the due completion of the project and for its administration, maintenance and operation thereafter.

(*3*) In this section, the expression "project" means a project for the promotion of irrigation, water supply or drainage or for the development of electric power or for the regulation or development of any inter-State river or river valley.

Provisions as to the Bombay Road Transport Corporation.

109. (*1*) The road transport corporation established under the Road Transport Corporations Act, 1950, for the existing State of Bombay shall, as from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to the provisions of sub-section (*3*) and to such directions as may from time to time be issued by the Central Government: 64 of 1950.

Provided that nothing in this sub-section shall be construed as preventing any of the successor States to the existing State of Bombay from establishing a road transport corporation under the said Act for the whole or any part of its territories after the appointed day.

(*2*) Any directions issued by the Central Government under sub-section (*1*) in respect of the said corporation shall include a direction that the said Act shall in its application to that Corporation have effect subject to such exceptions and modifications as may be specified in the direction.

(*3*) The road transport corporation continued under sub-section (*1*) shall cease to function and shall be deemed to be dissolved on the 1st day of October, 1957, or such earlier date as the Central Government may by order appoint.

(*4*) On such dissolution the assets and liabilities of the said corporation shall be apportioned between the successor States in such manner and in such proportion as the Central Government may by order determine.

General provisions as to statutory corporations.

110. (*1*) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate has been constituted under a Central Act, State Act or Provincial Act for an existing State the whole or any part of which is by virtue of the provisions of Part II transferred to any other existing State or to a new State, then, notwithstanding such transfer, the body corporate shall, as from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

(*2*) Any directions issued by the Central Government under sub-section (*1*) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall in its application to that body corporate have effect subject to such exceptions and modifications as may be specified in the direction.

Temporary provisions as to the continuance of certain existing road transport permits.

111. (*1*) Notwithstanding anything contained in section 63 of the 4 of 1939. Motor Vehicles Act, 1939, a permit granted by the State or a Regional Transport Authority in an existing State, the whole or any part of the territories of which is transferred to another existing State or to a new State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the territories so transferred, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by any other State or Regional Transport Authority for the purpose of validating it for use in such transferred territories:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(*2*) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any transferred territory under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations beyond the boundaries of the State in which such permit was granted:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be.

Special provision relating to retrenchment compensation in certain cases.

112. Where on account of the reorganisation of the States under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of an existing State, is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such undertaking is transferred to, or re-employed by, any other body corporate or undertaking, then, notwithstanding anything contained in section 25F 14 of 1947. of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Provided that—

(*a*) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less

favourable to the workman than those applicable to him immediately before the transfer or re-employment; and

(*b*) the employer in relation to the body corporate or the undertaking where the workman is transferred or re-employed, is by agreement or otherwise legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F of the Industrial Disputes Act, 1947, on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

Provision as to the Devaswom Surplus Fund of Travancore.

113. (*1*) As from the appointed day, there shall be established in the State of Madras a Devaswom Fund for the management of Hindu temples and shrines in the territories transferred to that State from the State of Travancore-Cochin.

(*2*) The assets as on the appointed day of the Devaswom Surplus Fund constituted by section 26 of the Travancore-Cochin Hindu Religious Institutions Act, 1950, shall be divided into two parts in the ratio of 37.5 to 13.5 in such manner as the Central Government may, by order, direct, and the smaller part shall, as from the appointed day, be transferred to the Fund mentioned in sub-section (*1*).

Continuance of facilities in certain State institutions.

114. The Central Government may, in respect of the institutions of the categories specified in the Sixth Schedule located in a new State or in the State of Andhra-Pradesh or Madras, direct that such facilities as may be specified in the direction shall be provided to the Government and the people of one more adjoining States for such period as may be so specified; and thereupon those facilities shall be provided for the said period upon such terms and conditions as may be agreed upon between the State Governments concerned before the 31st day of March, 1957, or, if no agreement is reached by the said date, as may be fixed by order of the Central Government.

PART X

PROVISIONS AS TO SERVICES

Provisions relating to All-India Services.

115. (*1*) In this section, the expression "State cadre"—

(*a*) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954, and

(*b*) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954.

(2) As from the appointed day, there shall be constituted for each of the new States a State cadre of the Indian Administrative Service and a State cadre of the Indian Police Service.

(3) The initial strength and composition of each of the said cadres shall be such as the Central Government may by order determine before the appointed day.

(4) The cadres of each of the said services for the existing States of Bombay, Madhya Pradesh, Punjab and Vindhya Pradesh and for the existing Part B States shall, as from the appointed day, cease to exist, and the members of each of the said services borne on those cadres shall be allocated to the State cadres of the same service for the new States or for the other existing States * * * in such manner and with effect from such date or dates as the Central Government may by order specify.

(5) Nothing in this section shall be deemed to affect the operation after the appointed day of the All-India Services Act, 1951, or the rules made thereunder in relation to the State cadres of the said services constituted under sub-section (2) and in relation to the members of those services borne on the said cadres. 61 of 1951.

Provisions relating to other services.

116. (*1*) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the Lieutenant-Governor or Chief Commissioner in any of the existing States of Ajmer, Bhopal, Coorg, Kutch and Vindhya Pradesh, or is serving in connection with the affairs of any of the existing States of Mysore, Punjab, Patiala and East Punjab States Union and Saurashtra shall, as from that day, be deemed to have been allotted to serve in connection with the affairs of the successor State to that existing State.

(2) Every person who immediately before the appointed day is serving in connection with the affairs of an existing State part of whose territories is transferred to another State by the provisions of Part II shall, as from that day, provisionally continue to serve in connection with the affairs of the principal successor State to that existing State, unless he is required by general or special order of the Central Government to serve provisionally in connection with the affairs of any other successor State.

(3) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (2) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(4) Every person who is finally allotted under the provisions of sub-section (3) to a successor State shall, if he is not already serving therein be made available for serving in that successor State from such date as may be agreed upon between the Governments concerned, and in default of such agreement, as may be determined by the Central Government.

(5) The Central Government may by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

(a) the division and integration of the services among the new States and the States of Andhra Pradesh and Madras; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such persons.

(6) The foregoing provisions of this section shall not apply in relation to any person to whom the provisions of section 115 apply.

(7) Nothing in this section shall be deemed to affect after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

Provisions as to continuance of officers in the same or corresponding posts.

117. (1) Every person who immediately before the appointed day is holding or discharging the duties of any post or office in connection with the affairs of the Union or of an existing State in any area which on that day falls within another existing State or a new Part A State or a Part C State shall, except where by virtue or in consequence of the provisions of this Act * * * * such post or office ceases to exist on that day, continue to hold the same * * * post or office in the other existing State or new Part A State or Part C State in which such area is included on that day, and shall be deemed as from that day to have been duly appointed to such post or office by the Government of, or other appropriate authority in, such State, or by the Central Government or other appropriate authority in such Part C State, as the case may be.

(2) Nothing in this section shall be deemed to prevent a competent authority, after the appointed day, from passing in relation

to any such person any order affecting his continuance in such post or office.

Power of Central Government to give directions.

118. The Central Government may at any time before or after the appointed day give such directions to any State Government as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

Provisions as to State Public Service Commission

119. (*1*) The Public Service Commissions for the existing States of Mysore, Punjab, Rajasthan and Travancore-Cochin shall, as from the appointed day, be deemed to be the Public Service Commissions for the corresponding new States.

(*2*) As from the appointed day, the Public Service Commissions for the existing States of Bombay, Hyderabad, Madhya Bharat, Madhya Pradesh, Patiala and East Punjab States Union and Saurashtra shall cease to exist.

(3) Every person holding office immediately before the appointed day as chairman or other member of any of the Commissions mentioned in sub-section (*2*)—

(*a*) shall become a member, and if so specified also the chairman, of such one of the Public Service Commissions for the States of Andhra Pradesh, Gujarat, Madhya Pradesh, Maharashtra, Punjab and Mysore as the President shall by order specify; and

(*b*) shall, as such member or chairman, be entitled to receive from the Government of the State conditions of service not less favourable than those to which he was entitled under the provisions applicable to him immediately before the appointed day.

(4) Every person who becomes a member of a Public Service Commission on the appointed day under sub-section (*1*) or sub-section (3) shall, subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

PART XI

LEGAL AND MISCELLANEOUS PROVISIONS

Territorial extent of laws.

120. The provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to an existing State shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day.

Powers to adapt laws.

121. For the purpose of facilitating the application of any law in relation to any of the States * * * formed or territorially altered by the provisions of Part II, the appropriate Government may, before the expiration of one year from the appointed day, by order make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means—

(*a*) as respects any law relating to a matter enumerated in the Union List, the Central Government; and

(*b*) as respects any other law,—

(*i*) in its application to a Part A State, the State Government, and

(*ii*) in its application to a Part C State, the Central Government.

Power to construe laws.

122. Notwithstanding that no provision or insufficient provision has been made under section 121 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to any State * * formed or territorially altered by the provisions of Part II, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to name authorities, etc. for exercising statutory functions.

123. The Central Government, as respects any Part C State, and the State Government as respects any new State or any transferred territory, may by notification in the Official Gazette, specify the authority, officer or person who, as from the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Legal proceedings.

124. Where immediately before the appointed day, the Union or an existing State is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment under this Act, the successor State which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the Union or the existing State as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

Right of pleaders to practise in certain courts.

125. Any person who immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in an existing State which is affected by the provisions of Part II shall, for a period of six months from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to another State.

Provisions as to certain pending proceedings.

126. (*1*) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer * * in any area which on that day falls within a State shall, if it is a proceeding relating exclusively to any part of the territories which as from that day are the territories of another State, * * * stand transferred to the corresponding court, tribunal, authority or officer in the other State. * * *

* * * * * * *

(*2*) If any question arises as to whether any proceeding should stand transferred under sub-section (*1*), it shall be referred to * * * * the High Court having jurisdiction in respect of the area in which the court, tribunal, authority or officer before which or whom such proceeding is pending on the appointed day, is functioning and the decision of that High Court shall be final.

(*3*) In this section—

(*a*) "proceeding" includes any suit, case or appeal; and

(*b*) "corresponding court, tribunal, authority or officer" in a State means—

(*i*) the court, tribunal, authority or officer in that State in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(*ii*) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of that State, or before the appointed day by the Government of the corresponding State, to be the corresponding court, tribunal, authority or officer.

Declaration of certain ancient monuments etc. in Part C States to be of national importance.

127. (*1*) All ancient and historical monuments in Part C States which, before the 1st day of April, 1956, have either been declared by the Central Government to be protected monuments within the meaning of the Ancient Monuments Preservation Act, 1904, or which have been taken possession of by the Central Government as protected monuments are hereby declared to be ancient and historical monuments of national importance.

7 of 1904.

(*2*) All archaeological sites and remains in Part C States which, before the 1st day of April, 1956, have either been declared by the Central Government to be protected areas or which have been

taken possession of by the Central Government as protected areas are hereby declared to be archaeological sites and remains of national importance.

(3) With effect from the appointed day, the following amendments shall be made in the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, namely:— 71 of 1951.

(*a*) in the long title, the words and letters "in Part A States and Part B States" shall be omitted; and

(*b*) in the Schedule, in item I of Part I and item I of Part II, for the words and letters "in Part A States and Part B States which, before the commencement of this Act" the words and figures "which, before the 1st day of April, 1956" shall be substituted.

Effect of the provisions of the Act inconsistent with other laws.

128. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove difficulties.

129. If any difficulty arises in giving effect to the provisions of this Act, the President may by order do anything not inconsistent with such provisions which appear to him to be necessary or expedient for the purpose of removing the difficulty.

Power to make rules.

130. (*1*) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(*2*) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

Repeal of Act 49 of 1951.

131. (*1*) The Government of Part C States Act, 1951, is repealed with effect from the appointed day.

(2) The said repeal shall not affect any laws made by the Legislature of a Part C State by virtue of any power conferred on that Legislature by the Act so repealed, and all such laws in force immediately before the appointed day shall continue in force, subject to such adaptations and modifications as may be made therein under section 121, until altered, repealed or amended by a competent Legislature or other competent authority.

THE FIRST SCHEDULE

[*See section* 30 (3)]

Every sitting member representing a constituency specified in the first column of the Table below in the Legislative Assembly of the

existing State specified against it in the second column shall, as from the appointed day, be deemed to have been elected to the Legislative Assembly of the State specified against that constituency in the third column and cease to be a member of the Legislative Assembly of which he was a member immediately before that day:

TABLE

Name of Constituency	Existing State	State to which transferred
(1)	(2)	(3)
1. Palanpur-Abu-Vadagam-Danta.	Bombay. . .	Gujarat.
2. Thana	Bombay . .	Maharashtra.
3. Chandgad . . .	Bombay . .	Maharashtra.
4. Halsur	Hyderabad . .	Maharashtra.
5. Udgir	Hyderabad . .	Maharashtra.
6. Kodangal . . .	Hyderabad . .	Andhra Pradesh.
7. Tandur-Seram . .	Hyderabad . .	Mysore.
8. Bidar . . .	Hyderabad . .	Mysore.
9. Zahirabad . . .	Hyderabad . .	Andhra Pradesh.
10. Mudhol . . .	Hyderabad . .	Andhra Pradesh.
11. Deglur . . .	Hyderabad . .	Maharashtra.
12. Kinwat . . .	Hyderabad . .	Maharashtra.
13. Asifabad . . .	Hyderabad . .	Andhra Pradesh.
14. Bhanpura . . .	Madhya Bharat .	Madhya Pradesh.
* * * * *	* * * *	* * *
15. Panemangalore . .	Madras . . .	Mysore.
* * *	* *	* *
* * *	* *	* *
* * *	* *	* *

THE SECOND SCHEDULE

[*See section* 36(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES (MADRAS) ORDER, 1951

In the Table—

(*a*) for the entry relating to the Madras (Graduates) Constituency, substitute:—

"Madras (Graduates) Entire State 4";

(*b*) for the entry in the second column relating to the Madras (Teachers) Constituency, substitute "Entire State";

(*c*) in the third column, for the figure "3" wherever it occurs, substitute "4"; and

(*d*) omit the entry relating to the West Coast (Local Authorities) Constituency.

THE THIRD SCHEDULE

[*See section* 41]

ALLOCATION OF SEATS IN THE HOUSE OF THE PEOPLE AND ASSIGNMENT OF SEATS TO STATE LEGISLATIVE ASSEMBLIES

The number of seats in the House of the People to be allotted to each of the States * * and the number of seats to be assigned to the Legislative Assembly of each Part A State * * * shall be as shown in the following Table:—

TABLE

States	Number of seats in the House of the People	Number of seats in the Legislative Assembly
1. Andhra-Pradesh	43	301
2. Assam	12	108
3. Bihar	55	330
4. Gujarat	22	154
5. Kerala	18	126
6. Madhya Pradesh	36	288
7. Madras	41	205
8. Maharashtra	40	280
9. Mysore	26	182
10. Orissa	20	140
11. Punjab	22	154
12. Rajasthan	22	176
13. Uttar Pradesh	86	430
14. West Bengal	34	238
15. Jammu and Kashmir	6	
* * *		
16. Bombay	7	
17. Delhi	5	
18. Himachal Pradesh	4	
19 Manipur	2	
20. Tripura	2	

THE FOURTH SCHEDULE

[*See section* 75 (*1*)]

I. MODIFIED FORM OF SECTION 3 OF THE UNION DUTIES OF EXCISE (DISTRIBUTION) ACT, 1953

Distribution of a part of the Union duties of excise among the States.

3. (*1*) During the first half of the financial year commencing on the 1st day of April, 1956, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable Union duties of Excise as is set out against it in column 2:

TABLE

State	Percentage
Andhra	5·92
Assam	2·61

State	Percentage
Bihar	11·60
Bombay	10·37
Hyderabad	5·39
Madhya Bharat	2·29
Madhya Pradesh	6·13
Madras	10·30
Mysore	2·84
Orissa	4·22
Patiala and East Punjab States Union	1·00
Punjab	3·66
Rajasthan	4·41
Saurashtra	1·19
Travancore-Cochin	2·68
Uttar Pradesh	18·23
West Bengal	7·16

(2) During the second half of the said financial year, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2 and such additional percentage, if any, of the said duties as is set out against it in column 3:

TABLE

State	Percentage	Additional percentage
Andhra Pradesh	9·03	..
Assam	2·61	..
Bihar	11·60	..
Gujarat	3·57	1·19
Kerala	1·49	2·42
Madhya Pradesh	6·25	..
Madras	8·39	0·26
Maharashtra	8·87	..
Mysore	3·03	2·62
Orissa	4·22	..
Punjab	4·66	.
Rajasthan	4·40	..
Uttar Pradesh	18·23	..
West Bengal	7·16	..

II. MODIFIED FORM OF PARAGRAPHS 3 AND 5 OF THE CONSTITUTION (DISTRIBUTION OF REVENUES) ORDER, 1953

3. (*1*) For the purposes of clause (2) of article 270, the proceeds attributable to Part C States for the first half, and * * * for the second half, of the financial year commencing on the 1st day of April, 1956 shall be taken to be 2¾ per cent. and 2 per cent. respectively, of so much of the net proceeds of taxes on income for the half year as does not represent the net proceeds of taxes payable in respect of Union emoluments.

(*2*) The percentage of the net proceeds of taxes on income, except in so far as those proceeds represent proceeds attributable to Part C States or to taxes payable in respect of Union emoluments, which is to be assigned to Part A States and Part B States (other than the State of Jammu and Kashmir) under clause (2) of article 270 in the first half of the said financial year shall be 55 per cent.; and the total amount to be so assigned shall be distributed among the said States as follows:—

State	Percentage
Andhra	5·49
Assam	2·25
Bihar	9·75
Bombay	17·50
Hyderabad	4·50
Madhya Bharat	1·75
Madhya Pradesh	5·25
Madras	9·56
Mysore	2·45
Orissa	3·50
Patiala and East Punjab States Union	0·75
Punjab	3·25
Rajasthan	3·50
Saurashtra	1·00
Travancore-Cochin	2·50
Uttar Pradesh	15·75
West Bengal	11·25

(*3*) The percentage of the net proceeds of the taxes on income, except in so far as those proceeds represent proceeds attributable to Part C States or the taxes payable in respect of Union emoluments, which is to be assigned to Part A States * * * under clause (2) of article 270 in the second half of the said financial year shall be 55 per

cent.; and the total amount to be so assigned shall be distributed among the said States as follows:—

State	Percentage	Additional percentage
Andhra Pradesh . . .	8·09	..
Assam	2·25	..
Bihar	9·75	..
Gujarat	6·02	1·00
Kerala	1·38	2·26
Madhya Pradesh . . .	5·14	..
Madras	7·79	0·24
Maharashtra	11·85	..
Mysore	3·97	2·25
Orissa	3·50	..
Punjab	4·00	..
Rajasthan	3·51	..
Uttar Pradesh	15·75	..
West Bengal	11·25	..

(4) For the purposes of this paragraph, the net proceeds of taxes on income for each half of the said financial year shall be deemed to be one-half of the net proceeds of such taxes for that year.

5. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the Consolidated Fund of India—

(a) in the first half of the said financial year, as grants-in-aid of the revenues of each of the States specified below, the sum specified against it:

(i) For general purposes—

Assam . . .	50 lakhs of rupees.
Mysore . . .	20 lakhs of rupees.
Orissa . . .	37·5 lakhs of rupees.
Punjab . . .	62·5 lakhs of rupees.
Saurashtra . .	20 lakhs of rupees.
Travancore-Cochin .	22·5 lakhs of rupees.
West Bengal . .	40 lakhs of rupees.

(ii) For the expansion of primary education—

Bihar . .	41·5 lakhs of rupees.
Hyderabad . .	20 lakhs of rupees.
Madhya Bharat .	9 lakhs of rupees.
Madhya Pradesh .	25 lakhs of rupees.
Orissa . . .	16 lakhs of rupees.

Patiala and East Punjab States Union . .	4·5 lakhs of rupees.
Punjab . . .	14 lakhs of rupees.
Rajasthan . . .	20 lakhs of rupees.

(*b*) in the second half of the said financial year, as grants-in-aid of the revenues of each of the States specified below, the sum specified against it:

(*i*) For general purposes—

Assam . . .	50 lakhs of rupees.
Mysore . . .	20 lakhs of rupees.
Orissa . . .	37·5 lakhs of rupees.
Punjab . . .	62·50 lakhs of rupees.
Gujarat . . .	20 lakhs of rupees.
Kerala . . .	20·32 lakhs of rupees.
Madras . . .	2·18 lakhs of rupees.
West Bengal . .	40 lakhs of rupees.

(*ii*) For the expansion of primary education—

Bihar . . .	41·50 lakhs of rupees.
Andhra Pradesh .	11·55 lakhs of rupees.
Mysore . . .	2·89 lakhs of rupees.
Maharashtra . .	14·52 lakhs of rupees.
Madhya Pradesh .	25·17 lakhs of rupees.
Orissa . . .	16·00 lakhs of rupees.
Punjab . . .	18·50 lakhs of rupees.
Rajasthan . .	19·87 lakhs of rupees.

(2) There shall also be charged on the Consolidated Fund of India—

(*a*) in the first half of the said financial year, as grants-in-aid of each of the States of Mysore, Saurashtra and Travancore-Cochin, the sum by which the total of the amounts payable to that State under sub-paragraph (2) of paragraph 3 of this Order and under sub-section (*1*) of section 3 of the Union Duties of Excise (Distribution) Act, 1953 falls short of 172·5 lakhs of rupees, 137·5 lakhs of rupees and 140 lakhs of rupees, respectively; and 3 of 1953.

(*b*) in the second half of the said financial year, as grants-in-aid of each of the States of Mysore, Gujarat, Kerala and Madras, the sum by which the total of the amounts payable to that State as additional percentages under sub-paragraph (3) of paragraph 3 of this Order and under sub-section (2) of section 3 of the said Act falls short of 172·5 lakhs of rupees, 137·5 lakhs

of rupees, 126·45 lakhs of rupees and 13·55 lakhs of rupees, respectively.

(3) Any sum or sums payable under this paragraph shall be in addition to any sum or sums payable to the States under each of the provisos to clause (1) of article 275.

THE FIFTH SCHEDULE

[*See section* 86]

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, the successor State or each of the successor States shall, in respect of pensions granted before the appointed day by an existing State, pay the pensions drawn in its treasuries.

2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of an existing State who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the successor State, or, if there be two or more successor States, of such one of them as the Central Government may by order specify.

3. In any case where there are two or more successor States, there shall be computed, in respect of the second half of the financial year 1956-57 and in respect of each subsequent financial year, the total payments made in all the successor States in respect of the pensions referred to in paragraphs 1 and 2. That total representing the liability of the existing State in respect of pensions shall be apportioned between the successor States in the population ratio and any successor State paying more than its due share shall be reimbursed the excess amount by the successor State or States paying less.

4. (*1*) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of an existing State and retiring on or after that day, shall be that of the successor State granting the pension; but the portion of the pension attributable to the service of any such officer before the appointed day in connection with the affairs of that existing State shall, if there be two or more successor States, be allocated between them in the population ratio, and the Government granting the pension shall be entitled to receive from each of the other successor States its share of this liability.

(*2*) If any such officer was serving after the appointed day in connection with the affairs of more than one successor State, the successor

State or States other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under that successor State bears to the total qualifying service of such officer after the appointed day reckoned for the purposes of pension.

(3) In reckoning the said total qualifying service, any service of such officer before the appointed day in connection with the affairs of the Union under the administrative control of the Lieutenant-Governor or Chief Commissioner in any of the existing States of Ajmer, Bhopal, Coorg, Kutch and Vindhya Pradesh shall be added as if the said service had been service after the appointed day in connection with the affairs of the successor State to that existing State.

5. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

THE SIXTH SCHEDULE

(*See section* 114)

(1) Engineering Colleges and Schools of Technology.

(2) Medical Colleges.

(3) Agricultural Colleges.

(4) Veterinary Colleges.

(5) Government hospitals providing for special treatment, such as,

(i) tuberculosis hospitals and sanatoria,

(ii) cancer hospitals,

(iii) radium institutes,

(iv) mental hospitals,

(v) leprosy hospitals and sanatoria, and

(vi) hospitals providing for Unani or Ayurvedic treatment.

(6) Research Institutes, such as,

(i) irrigation research institutes,

(ii) Government analysts' departments, and

(iii) serum institutes.

(7) Central Jails.

(8) Borstal Schools, Reformatory Schools and Certified Schools.

(9) Police Training Colleges and Institutes.

(10) Fire Services Training Schools.

(11) Hostels for Scheduled Castes, Scheduled Tribes and Backward Classes.

(12) Photo Registry offices.

(13) Central Records Offices.

(14) Forest Schools.

(15) Finger Print Bureaux.

M. N. KAUL,
Secretary.

LOK SABHA

The following report of the Joint Committee on the Bill further to amend the Constitution of India, was presented to Lok Sabha on the 16th July, 1956:—

THE CONSTITUTION (NINTH AMENDMENT) BILL, 1956

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri U. Srinivasa Malliah
3. Shri H. V. Pataskar
4. Shri A. M. Thomas
5. Shri R. Venkataraman
6. Shri S. R. Rane
7. Shri B. G. Mehta
8. Shri Basanta Kumar Das
9. Dr. Ram Subhag Singh
10. Pandit Algu Rai Shastri
11. Shri Dev Kanta Borooah
12. Shri S. Nijalingappa
13. Shri S. K. Patil
14. Shri Shriman Narayan
15. Shri G. S. Altekar
16. Shri G. B. Khedkar
17. Shri Radha Charan Sharma
18. Shri Gurmukh Singh Musafir
19. Shri Ram Pratap Garg
20. Shri Bhawanji A. Khimji
21. Shri P. Ramaswamy
22. Shri B. N. Datar
23. Shri Anandchand
24. Shri Frank Anthony
25. Shri P. T. Punnoose
26. Shri K. K. Basu

27. Shri J. B. Kripalani
28. Shri Asoka Mehta
29. Shri Sarangadhar Das
30. Shri N. C. Chatterjee
31. Shri Jaipal Singh
32. Dr. Lanka Sundaram
33. Shri Tek Chand
34. Dr. N. M. Jaisoorya
35. Shrimati Tarkeshwari Sinha

Rajya Sabha

36. Shri Chandulal P. Parikh
37. Shri Biswanath Das
38. Shri K. Madhava Menon
39. Capt. Awadhesh Pratap Singh
40. Dr. Anup Singh
41. Shri A. Satyanarayana Raju
42. Shri M. D. Tumpalliwar
43. Shri K. S. Hegde
44. Shri Tarkeshwar Pande
45. Shri T. R. Deogirikar
46. Dr. P. Subbarayan
47. Shri J. V. K. Vallabharao
48. Shri V. K. Dhage
49. Shri Kishen Chand
50. Shri Surendra Mahanty
51. Kakasaheb Kalelkar.

DRAFTSMAN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*

Shri R. S Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill further to amend the Constitution of India was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 18th April, 1956. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri Govind Ballabh Pant on the 26th April, 1956 and was discussed in the Lok Sabha on the 26th and 27th April, 1956 and was adopted on the 27th April, 1956.

3. The Rajya Sabha discussed and concurred in the said motion on the 2nd May, 1956.

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 3rd May, 1956.

5. The Report of the Committee was to be presented by the 14th May, 1956. The Committee were, however, granted extension of time on the 14th May, 1956 upto the first day of the next session of the Lok Sabha.

6. The Committee held four sittings in all.

7. The Committee considered the Bill clause by clause at the sittings held on the 10th, 11th and 12th July, 1956.

8. The Committee considered and adopted the Report on the 14th July, 1956.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Clause* 3.—The Committee consider that in view of the change in the constitutional structure of Bombay, Delhi and Himachal Pradesh, as also in view of the fact that Parliament will be the legislature for these States, these three Union territories may justifiably be given somewhat larger representation in Parliament. The Table in the Fourth Schedule has accordingly been amended giving five seats to Bombay, three to Delhi and two to Himachal Pradesh.

11. *Clause* 4.—For the same reason, the Committee have increased the maximum limit of 20 members to represent the Union territories, proposed in the revised article 81(1)(b), to 25 members.

*Published in Part II—Section 2 of the Gazette of India, Extraordinary, dated the 18th April, 1956.

12. *New clause* 7.—When the same person is appointed Governor for two or more States as envisaged in clause 6 of this Bill, an express provision for allocating the emoluments and allowances payable to the Governor among those States will be required. This new clause makes the requisite provision in article 158.

13. *Clause* 8 (*original clause* 7).—The Committee consider that since the State of Bombay has at present a Legislative Council and the State of Maharashtra will be the principal successor State to the State of Bombay, provision should be made in this Bill, as well as in the States Reorganisation Bill, for establishing a Legislative Council for Maharashtra. As regards the new State of Madhya Pradesh, the Committee consider that since there is no Legislative Council in any part of the territories of that State, it would be preferable to leave that State to take the necessary steps under the Constitution after it comes into existence. The clause has been modified accordingly.

14. *Clause* 15 (*original clause* 14).—A new clause (3) has been added to the revised article 224 in order to make it clear that no person appointed as an additional or acting Judge of a High Court under this article can hold office after attaining the age of 60 years.

15. *Clause* 17 (*original clause* 16).—The two new articles, 239 and 240, proposed in this clause in regard to Union territories have been revised by the Committee. As regards article 239, the Committee consider that the general provision for central administration of Union territories must be expressly made subject to whatever legislation Parliament may enact in that behalf. They consider that provision should be made in the article enabling the appointment of the Governor of a neighbouring State to be in charge of the administration of a Union territory as agent of the President. The designation "Chief Commissioner" has also been changed to "Administrator"

As regards the proposed article 240, the Committee consider that the regulation making power of the President should be restricted to the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindivi Islands, and that in regard to the other Union territories Parliament should be the law making body.

16. *Clause* 19 (*original clause* 18).—The proposed new article 290A has been amplified providing for a charge of Rs. 13·5 lakhs on the Consolidated Fund of Madras for payment every year to a Devaswom Fund to be established in that State for the maintenance of Hindu temples and shrines in the five taluks which will be transferred to it from Travancore-Cochin.

17. *Clause* 22 (*original clause* 21).—It was urged before the Committee by its members from Vidarbha that the agreement entered

into in September, 1953, known as the Nagpur Agreement, should, to the extent practicable, be given constitutional recognition. The members from the other Maharashtra areas gave their full support to this proposal. A new clause has accordingly been added to the proposed article 371 with the consent of the members from Maharashtra.

18. *New clause* 23.—In this clause a new article 372A, corresponding to article 372, has been proposed empowering the President to make an Adaptation of Laws Order. Such an order will be necessary in view of the various constitutional changes proposed in the Bill.

19. *New clause* 24.—In this clause, the Committee have proposed a special provision regarding the duration of the Legislative Assembly of Andhra Pradesh. According to the provision made in the States Reorganisation Bill, about one-third of the Legislative Assembly of the enlarged State will be newly elected at the forthcoming general election. The Committee consider that, in the peculiar circumstances, it would be appropriate to extend the life of the Assembly as so reconstituted until the expiry of five years after the re-election of the Telangana members. This would make it possible for future general elections in Andhra Pradesh to be held simultaneously for the Lok Sabha and the Legislative Assembly.

20. *Clause* 25 (*original clause* 22).—The Committee have carefully considered the proposal in the Bill to give to the Judges of the High Courts of Kerala, Mysore and Rajasthan salaries at a lower rate than that provided for the Judges of the other High Courts. The Committee consider that it would not be desirable to introduce this distinction, particularly when all the States are being placed on the same constitutional level. It will also be difficult to justify any disparity in pay-scales when the area and population of these States are compared with those of some of the other States. The Committee have, therefore, amended the clause providing for the same salary to the Judges of all High Courts.

The Committee have proposed a minor amendment in the proposed proviso to sub-paragraph (1) of paragraph 10, and also in the proviso to sub-paragraph (1) of paragraph 9 relating to Judges of the Supreme Court. These amendments provide for the cases where the Judge in receipt of a pension for previous service has, before appointment, either commuted a portion of his pension or received a retirement gratuity in addition to pension. The Committee consider that in either case, his salary should be further reduced by the amount of the commuted portion of the pension or the pension equivalent of the gratuity, as the case may be.

21. *The Schedule.*—(i) The Committee have deleted the amendments of articles 208 and 209 proposed in the Bill, since they understand that one or two State Legislatures have not made fresh rules of procedure under article 208(1) and are acting under the pre-Constitution rules as continued under article 208(2).

(ii) Since regular Acts have been passed by Parliament, as well as by all the State Legislatures, determining the salaries and allowances payable to Ministers, the Committee propose that Part B of the Second Schedule to the Constitution may be omitted, instead of being amended.

22. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 15th July, 1956.

GOVIND BALLABH PANT,
Chairman,
Joint Committee

Minutes of Dissent

I

Clause 9 of the Bill.—I am definitely against increasing the strength of the Legislative Councils of States. Under Article 171 of the Constitution the total number of members in the Legislative Council of a State shall not exceed one-fourth of the total number of members of the Legislative Assembly of that State. The Bill has raised the maximum strength from one-fourth to one-third. The time has come when the Parliament should seriously consider whether the Legislative Councils should be continued any further. Some State Assemblies have rightly resolved to do away with the costly paraphernalia of a bicameral Legislature.

In practice these Legislative Councils, which are supposed to play the role of revising chambers, have become the dumping grounds of defeated candidates or disgruntled party men. The increase of the maximum strength of the Legislative Council would give increased opportunity for distributing patronage.

Clause 17 (*Original clause* 16).—I do not agree with the provision made with regard to the administration of Union Territories, specially having regard to the fact that advanced and progressive cities like Bombay and Delhi which had democratic set-up and which have played an important role in India's struggle for freedom are being reduced to the position of States or areas without any legislature. This clause has been improved by the Joint Committee. Yet in my opinion some definite provision for a democratic set-up should be made for the Union Territories other than Andaman and Nicobar Islands.

Clause 22 (*Original clause* 21).—I have strong objection to this clause. I maintain it is wrong on principle that the President by an executive order should provide for the constitution of Regional Committee or specify their functions. In any event the Parliament should have power to frame laws in that behalf, if such Regional Committees are deemed necessary. There are important innovations made by the Scheme of Regional Committees which will make serious inroads, on the working of the Parliamentary form of Government. In effect this clause is making the President a Super-Parliament and is conferring upon him constituent powers to make vital changes in the set-up of a democratic Government as envisaged in the Constitution of India.

With regard to the Punjab Regional Formula the State is going to be divided into two regions, namely, the Punjabi-speaking Region and the Hindi-speaking Region and for each region there will be a Regional Committee of the State Assembly. The S.R.C. has clearly found that there is no real language problem in the State of Punjab. It has further pointed out that the line of demarcation between the Punjabi and the Hindi spoken in the State is more theoretical than real. Moreover, the Commission has observed that with the large scale influx of Punjabi-speaking people from Western Punjab into all the districts of the State, this line has been further blurred. The Commission's definite finding is that there are no distinctive cultural zones in the State.

Therefore basically the demand for constituting two regions is a communal one and cultural or linguistic arguments are pressed in service as a cloak for camouflaging the real object which is the division of Punjab on a communal lines.

The most serious objection is to clause 5 of the Regional Formula. Under that clause in case of difference of opinion between the Regional Committee and the State Legislature reference would be made to Governor whose decision would be final and binding. This will mean that the Governor can veto the Legislature on certain vital matters. In actual practice the Governor will have to act on the advice of the Ministers. This will virtually mean that the executive will have a veto over the elected Legislature. Moreover, the Governor will have to take part in party politics and will have to take sides in controversial issues and this will detract from his position.

The official language of each Region at the District level and below will be the Regional language. This means that in the so-called Punjabi-speaking region only Punjabi in Gurmukhi script shall be the official language. Hindus and Sikhs of Punjab are bound together by indissoluble ties of close relationship and common culture. The Sikh Gurus are the spiritual leaders of both Hindus and Sikhs. Guru Govind Singh created the Khalsa panth for the protection and revival of Hindu Dharma. His invocation was inspired by the well-known couplet which rendered in English means:—

"May Khalsa Panth flourish in the whole world;

May Hindu Dharma flourish and chase away all falsehood".

We are not opposed to the Gurmukhi script or the Punjabi language but there should be no imposition of a script or language on any

community. Option must be given to write Punjabi in Devnagri or Gurmukhi or Urdu script as was the practice in pre-partition Punjab.

I would welcome any formula which leads to communal harmony and understanding in Punjab. But unfortunately this Regional Formula has not been accepted by a large section of the community. Instead of bridging the gulf this formula has created further rift and has stimulated separatist tendencies. The Commission has observed that the communities are so interspersed in the Punjab that no form of re-organisation can be a real substitute for communal harmony. Every well-wisher of Punjab will appreciate the cogency of the observation of the Commission that the formation of United Punjab will facilitate planning and economic development.

With regard to Andhra-Telangana Regional Formula the controversial features are:—

1. Prohibition is left to the option of the members of Telangana. This is against the Directive Principles of the Constitution.

2. The sale of land in Telangana will be controlled by the Regional Committee. This will be creating another Kashmir in Telangana.

3. Urdu will be the language of administration for five years.

4. Domicile or residence for a number of years will be the condition precedent to employment in Telangana. This would be against the fundamental rights and against the spirit of the Constitution.

5. The Governor will have the power of veto in case of difference of opinion between the Regional Committee and the Legislature. This is also objectionable as I have indicated above.

Safeguards for minorities

A good deal of difficulties and misunderstandings would be obviated if constitutional safeguards can be devised for linguistic groups. The Bill has in clause 21 incorporated a new article, namely Article 350(A) in order to implement one recommendation of the S.R.C. The Commission recommended that constitutional recognition should be given to the right of linguistic minorities to have instructions in their mother-tongue at the primary school stage subject to a sufficient number of students being available. The only difficulty is that these constitutional safeguards mean very little unless effective power is given to the Central Government or the

Governor to enforce the rights of linguistic groups or minorities. It was pointed out with cogency that all linguistic minorities should have the right to affiliate educational institutions, established or administered by them to a recognised examination being conducted through the medium of their mother-tongue in any part of India. In my opinion, this is implicit in Article 30 of the Constitution which gives the fundamental right to a linguistic minority to establish and administer educational institutions of its choice. But in actual practice difficulties have been experienced and linguistic minorities have been denied the right to an examination through a medium of its own language. Some power should be given to the President or to the Central Government to issue directives so that the right to have its own educational institutions may not be illusory. The formation of linguistic States will not solve the problem of linguistic minorities. But in some areas their position may be more difficult.

High Courts and Judicial Salary.—In my opinion, the Joint Committee has taken the very right course in recommending that there shall be no disparity in the salaries of High Court Judges throughout India. Now that we are abolishing the artificial distinctions between Parts A, B and C States and have put all the States on the same footing, it will be incongruous to have a lower scale of salaries for the Chief Justice and Judges of the three High Courts, *viz.*, Kerala, Mysore and Rajasthan.

There is a good deal of feeling in the legal profession that the restriction on practice after being a permanent Judge should not be removed. The restriction can be retained without detriment to the quality and independence of judges who would be recruited from the Bar, only if the age of retirement of Judges throughout India be raised to the age of 65 as has been provided in the case of Supreme Court Judges.

With regard to the appointment of additional and acting Judges it seems that power has got to be taken in order to clear up arrears which, in some High Courts, have assumed very serious proportions. The power to transfer a Judge from one High Court to another High Court also demands that all Judges should be placed on the same footing throughout India and the salutary provision may weed out many undesirable or unhealthy practices.

N. C. CHATTERJEE

NEW DELHI;
The 14th July, 1956.

II

This amendment to the provisions of the Constitution is due mainly to the reorganisation of States. Many of its provisions are consequential to the provisions of the States Reorganisation Bill. Therefore our objections to some of the clauses of the S.R. Bill also hold good and apply to the similar clauses of this bill. We however do not propose to repeat those arguments here as they are unnecessary in view of the one following the other.

For various reasons enumerated in that note we are strongly opposed to the formation of the Union territory of Bombay city which should have logically formed part of Maharashtra. It is a pity that the most developed Bombay will rank equally with a backward territory like Andaman and Nicobar Islands.

The Laccadive, Minicoy and Amindivi Islands which was so long managed as a part of the State of Madras will also be converted into a Union territory. Instead of extending the scope of democratic Government here provision is made for the withdrawing of democratic rights which we cannot agree. We desire that these Islands however small should have some kind of representative Government. Even no provision is made for their sending elected representatives to the Parliament which we regret very much and we hope that Parliament in its wisdom will make necessary provisions.

We are of opinion that the name of the new State of Mysore should be changed to Karnataka.

In clause 4 sub-clause (b) the method by which representatives to the House of People is to be chosen has been left to be decided by the Parliament. We have a Constitution which has adopted adult franchise and direct election to the House of the People. We are therefore strongly of opinion that representatives of the Union territories should also be chosen by direct election on adult franchise.

The amendment of the Constitution to extend the life of the present legislature of Andhra so as to synchronise with elections from the added part of Telangana is wrong and should not be done. Elections within two years may be somewhat harsh to a section of the people. But the sanctity of the democratic principle is more important. The Constitution should not be amended for political expediency.

We are of opinion that taking advantage of the Constitution amendment we should have reduced the strength of nominated element in the Second Chambers of the States which we consider to be a superfluous institution and should have been abolished. In the Rajya Sabha only 12 out of 250 are nominated whereas in the State Legislative Council, 1/6 of the total membership, *i.e.*, 12 out of 72 are nominated. This we suggest should be reduced to 1/9th.

Under the scheme of our Constitution, the Judiciary occupies a very important place. On the independence of the Judiciary largely depends the preservation of democratic rights as embodied in our Constitution. The Judges of the High Court who are to protect the citizen from the encroachment of the fundamental rights by the Executive, should be above all suspicion and the people must have similar feelings. The Judges should be kept free from all executive influences, and should have a position of honour and respect in our society. We are, therefore, opposed to the Judges being allowed to practise after retirement or to be eligible for any appointment by the executive as it would undermine the prestige and good name of the Judiciary. Instead of appointing Judges to many *ad hoc* posts after retiring we would prefer that retirement age of the Judges to be extended to 62 years.

We oppose the deletion of clause (2) of Article 222. We do not appreciate the idea of bringing judges from other High Courts, who may not know the language of the region. Such transfers of Judges from one High Court to another should not take place against their wishes and without any compensatory allowances. We feel that such a provision for transfer from one High Court to another might lead to abuse and an independent Judge not liked by the executive may be transferred outside. This is likely to undermine independence and prestige of the Judges.

We are strongly of the opinion that the safeguards for the use of language as provided in the new Article 350A should be extended to secondary stage of education.

We are generally opposed to the scheme of Regional Councils as embodied in the proposed new article 371 applicable to the States of Punjab and Andhra Pradesh. We feel that this is the result of a political expedience and compromise and not based on any sound principle. We are willing to concede that in the interest of good Government it is necessary to give or guarantee some safeguard to the people of backward regions, the linguistic minorities and tribal people for their well-being when they might form a substantial number in a particular area of the State and not in the whole of it. In such cases regional Council and some such things as statutory

guarantees may be justifiable. Here it seems that the scheme have been planned out by top leaders of different groups and parties to settle their disputes without any sound democratic principle being involved in it. However, the formation of such regional Councils should be on the advice of the Parliament and not left to the President alone. The Parliament shall lay down certain forms on which such councils may be formed.

We have read the report.

NEW DELHI; KAMAL KUMAR BASU

The 14*th July*, 1956. J. V. K. VALLABHA RAO